

Lally / J. G. /

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DEFENCE

OF THE

FRENCH EMIGRANTS.

ADDRESSED TO

THE PEOPLE OF FRANCE.

BY

TROPHIME GERALD DE LALLY-TOLENDAL.

TRANSLATED FROM THE FRENCH

By JOHN GIFFORD, Esq.

LONDON:

PRINTED FOR T. N. LONGMAN, PATERNOSTER-ROW.

1797.

A
DIFFERENCE

THE
FRENCH EMIGRANTS

ADVERTISED TO

THE HISTORY OF FRANCE



PROFESSOR GERALD DE LAULY-TOLEDAI

TRANSLATED FROM THE FRENCH

BY JOHN GIFFORD, ESQ.

LONDON:

PRINTED FOR T. & A. G. SMITH, PATERNOSTER-ROW.

1801

ADVERTISEMENT.

I BEGAN this defence of the French Emigrants at the time when a negociation for a general peace had been just opened; when France was every where victorious abroad, and when the Jacobins were legally punished at home.

While the work was in the press, Lord MALMESBURY was ordered to quit France; the Archduke CHARLES saved Germany; Paris had witnessed the death of M. de Cussy, and had heard a festival announced for the 21st of January !!!

Several passages in my introduction are, unhappily, no longer applicable to existing

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circumstances. The change of two or three phrases might, perhaps, have re-established the resemblance, without destroying, in the smallest degree, the force of the argument: but I rather chose to preserve the parts which demonstrate the original object of the publication, and point out the epoch at which it was begun; it is my wish that the motives which not only sanctioned the undertaking, in my opinion, but which absolutely prescribed it as a duty, should be known to the world.

Some belligerent censor will, without doubt, object, that as the hope of peace was the principle of the work, I ought to have stopped as soon as that hope vanished, and have waited in silence, until the chances of a protracted war should revive it. In answer to such an objection, I beg leave to observe, that, in my apprehension, the hope of peace is only delayed, not destroyed; and I glory in being one of those who hail its approach most cordially and conscientiously; that notwithstanding the abrupt termination

tion of the last negociation, it is demonstrated that France will have peace on the very day, and at the very hour at which she chooses to have it, since the extent of her conquests forms the only subject for dispute; that no Frenchman, wherever he may reside, can now have a wish relative to the fate of his country, sanctioned by morality and humanity, which can be accomplished without the restoration of its internal tranquillity and the perfection of its laws; that the primary assemblies are about to meet in France; that it is not only my duty to bring before them the cause which it is their province to try, but that at a time when the whole human race are anxiously waiting the event of the new elections, whoever has a drop of French blood in his veins, and a single spark of virtue in his heart, ought to examine himself, with the view of ascertaining whether he has not some means of directing the choice of his countrymen, of promoting the freedom of suffrage, of conciliating the minds and instructing the consciences of the people: in

short, of giving efficacy to the last resource not only of Frenchmen, but of the inhabitants of all other countries.

There is even, in my opinion, so little time to be lost in serving all those great interests, that although there is still an interval of two months to elapse, before the meeting of the primary assemblies, yet the distance of the places, the inclemency of the season, the difficulty of communication, and, lastly, the necessity of obtaining a few leisure moments for the purpose of meditation, determine me to publish that part of my book which is printed off, while the last point of discussion is still at press.

I have been induced to undertake this Work, because I deemed it necessary, and because nobody else had undertaken it. The confidence with which I express myself is derived exclusively from the strength of the rights which I had to defend. I have more than once regretted the vigour of my
past

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past years, which would doubtless have rendered me more capable of pleading a cause which embraces such a vast variety of important interests. It is certainly true, however, that at no period of my life should I have pleaded with more zeal, with more religion, and, I must say, with less attention to my own personal interest: perhaps this was all that was requisite, and the cause demanded no other support.

After this explanation, it becomes me to say, that I am always ready to become a martyr to the rights of a just and virtuous man; but will never render myself an instrument to gratify the purposes of the senseless and perverse.

I hesitated a long time whether I should prefix my name to an Address to the People of France, or whether, without absolutely disavowing it, I should publish it without a name. Neither the motives of my uncertainty

nor those of my decision will escape the upright mind and the feeling heart.

In short, it was my wish to reconcile all my duties, and I trust I have succeeded in the attempt. I shall not, I hope, be deemed presumptuous in stating my conviction, that no possible harm can result from this Work, while it is not impossible that it may do some good. That consideration is sufficient, under the present circumstances, not only to justify but to impel its publication.

LALLY-TOLENDAL.

LONDON,
Jan. 1797.

PRELIMINARY REMARKS

BY THE TRANSLATOR.

TO secure objects of persecution from the attacks of calumny, and to protect the victims of oppression from the shafts of injustice, is a task which every honest and upright mind, whatever may be the bias of its political sentiments, will be anxious to undertake and prompt to execute. It is only by a steady adherence to the principles which influence this kind of conduct, that the ties of religion and morality can be enforced, and the bonds of social order preserved from dissolution. Interest combines with duty to sanction its adoption, and it carries with it its own consolation and reward. The proud vessel which now displays its swelling sails, borne by a prosperous breeze on the tranquil bosom of the ocean, and views with indifference the damaged bark that sinks within its sight, may fall a victim to the next storm, and perish itself
a from

from the want of that relief which it had refused to extend to another.

The extreme persecution experienced by the proscribed classes in France, which included a very considerable portion of the virtue, the property, and the genius of the country, excited the commiseration or resentment of foreigners at an early period of the Revolution; but still there were not wanting many who united with their love of the new system a hatred of its foes, and who, regardless of the principles by which the Emigrants were actuated, did not scruple to attack them with all the virulence of invective and the rancour of malevolence. Impressed with a conviction of the purity of their motives, and the integrity of their conduct, I stood forth as their champion, and took up the gauntlet which had been thrown down by the Earl of LAUDERDALE, who had appeared as a volunteer in the ranks of their enemies. My conviction having been strengthened by subsequent observations*, it was with

* The numbers of Emigrant Priests who have taken refuge in this hospitable country have excited serious apprehensions in the minds of some staunch friends and supporters of
of

with extreme pleasure that I learned the determination of the Count de LALLY-TOLENDAL to plead their cause. The mind of this nobleman

of the Established Church. The most distinguished of these, who have made known their sentiments on the subject, are Dr. RENNELL, and (I had nearly omitted the conjunction copulative) the learned and ingenious Author of "The Pursuits of Literature;" a writer, whose principles and talents, as well from their nature as their application, give him a resistless claim to superior consideration on all who place a just value on the existing institutions of their country. But respectable as these authorities are, I cannot, in the present instance, receive them as decisive. Their zeal, pure and laudable as it indisputably is, appears to me to have given a wrong bias to their judgment, by leading them to descry in the imputed progress of Popery those dangers which only exist in the real growth of infidelity. That among the many Ministers of the Romish Church now in England, some solitary instances of intemperance, displayed in a spirit of conversion, may be adduced, I can easily believe; but my own personal observation, and the inquiries which I have made of those who have the best means of information, convince me, that the general spirit evinced by the French Emigrant Clergy is as innocuous as their conduct is exemplary. I admit, indeed, that the conscientious sacrifice of their property, and of all their worldly comforts; the steady piety which supports them under accumulated pressures; the unaffected meekness, patience, and resignation which they have invariably opposed to affliction, misfortune, and persecution; the gratitude which they display for benefits conferred; and the benevolence which they extend

man was particularly formed, by early habits, influenced by a peculiarity of afflictive circumstances, for the atchievement of this important triumph

tend to all mankind ; are well calculated to give a favourable idea of the faith which they profess :—but the generality of people are satisfied with observing *effects*, without seeking to investigate *causes* ; and it will not be contended, that the contemplation of such fascinating objects as these can produce any but the most salutary consequences. Would to Heaven they could excite universal imitation among the Ministers of every church !

Let me not be mistaken—I mean not to impute this laudable conduct to any peculiar excellence of the Romish faith, but merely to contend, that, from whatever source it proceeds, its effects on society cannot be otherwise than of a beneficial nature. A firm friend to the Established Church, from a conviction of the superior purity of its tenets, I should certainly regard with a jealous eye any attempt to diminish the number of its followers ; but such diminution is not, I conceive, to be dreaded from any efforts which the unfortunate Emigrant Clergy, now in England, could make to procure converts. Indeed, how men, very few of whom understand even sufficient of the language of the country to ask a plain question, are to enter into the discussion of abstruse points of theology, which must be necessary for the purpose of conversion, I am not, I confess, able to comprehend. They also labour under another material disadvantage, in the want of the adventitious aid of all those external decorations in general use in the Church of Rome, which speak, with peculiar force, to the senses of the common people. So that, were they ever so strongly

triumph of truth over falsehood. With a spirit of investigation that patiently submits to the most laborious research, and discriminative powers which

strongly disposed to disseminate the principles of their religious creed, they have not, in my apprehension, the means of doing it. It may, perhaps, be urged, that they might attain their object through the medium of the English Catholics; but, in the first place, I do not believe that the English Catholics, who (with some few, very few exceptions in the upper class of them) have expressed the utmost gratitude for the indulgences they have already received from the Legislature, and who, perhaps, cherish hopes of receiving still farther indulgences, would become the instruments of such a proceeding; and in the next place, if they were really inclined to favour a project for the extension of their faith, they would require no foreign stimulus, but would attempt to enforce their plan, without the instigation or interposition of the Emigrant Clergy,

If the Members of the Established Church have experienced any diminution of their numbers—an object undoubtedly of serious concern—it is, I fear, to be attributed to different causes—to the extreme vigilance and indefatigable exertions of certain English Sectaries, and to the culpable, not to say criminal, negligence of some part of their own clergy. The Church of England can, I know, boast of Ministers as enlightened, as pious, as moral, as those which any other church or sect can produce—of Ministers, in short, who make the pure principles of Christianity the rule of their conduct in life. All the Prelates, and a very considerable proportion of the Protestant Clergy, are, I firmly believe, men of this description; but, truth extorts the acknowledgment,

which imply clearness of conception and accuracy of judgment, he combines a brilliant genius, an enthusiastic imagination, and a glowing and impressive

ment, that there are too many who pay more attention to worldly pursuits than to professional duties, and who subject themselves to the censures that were justly bestowed on the Romish Clergy of the middle ages. In order to remedy an evil which, if not speedily checked, will infallibly produce the most pernicious consequences, the utmost attention is requisite, on the part of the superiors of the church, to the conduct of those who are subordinate to them. With regard to the candidates for holy orders; though a certain degree of classical knowledge be indispensably requisite, yet it is surely more necessary to ascertain whether they can read with distinctness and propriety a chapter in the Bible, than whether they can accurately construe a few passages in the Greek Testament, or in Grotius de Veritate Christianæ Religionis. For, although the supposition that the man who can do the one can do the other appears to be founded in reason, it very unfortunately stands contradicted by that best of monitors, and surest of guides, Experience. Not only the perusal, but the composition of religious discourses should form a material part of the academical education of all young men who are destined for the profession. In the church (as in the House of Commons) no *fictitious titles* should be admitted; by which means the sacred calling would in many instances be prevented from becoming a subject of economical or profitable speculation. All transactions that engender animosity between a clergyman and his parishioners should be studiously avoided. Every curate should receive such a salary as is adequate to the liberal support of himself and his family. No curacy should be worth less than a liberal construction of the new Act would make

impressive eloquence. Thus happily endowed, it became the man who had been the successful

make it produce. These regulations, which I suggest with great deference to those who are more conversant with the subject than I profess to be, appear to me highly salutary, and likely to remove many of the evils which, I am sorry to say, certainly exist at present.

I cannot conclude this note, without correcting an error which generally prevails in respect of the numbers of Emigrants actually resident in England. It appears, from the official return at the Secretary of State's office, of the 31st of March 1797, that the cities of London and Westminster, the borough of Southwark, the populous suburbs of the metropolis, and the adjacent villages, only contained seven thousand and forty-one *Aliens*, (of whom 1319 were women and children,) including foreigners of all nations. Now, as those who reside in London form a very considerable majority—I should think nine-tenths—of the Emigrants, it is evident that their numbers, which were lately stated as high as at 85,000, must have been grossly exaggerated.

It is much to be lamented, that the relief which Parliament has generously accorded to the French Ecclesiastics is not administered with more expedition and regularity; as I have been credibly informed, that several of these unfortunate men absolutely perished through want in the course of the last winter. Money voted for specific purposes should be applied to no other; and where the alleviation of misfortune is the object of a parliamentary grant, this rule should be religiously observed, and the sum granted distributed without delay. In such cases as this, the old maxim should never be forgotten, *Bis dat qui cito dat*.

advocate

advocate of an injured parent, and who had tendered his services as council for his murdered Sovereign, to appear as the defender of his persecuted brethren.

The extensive circulation which this eloquent production has had upon the Continent, and particularly in France—no less than *forty thousand copies* having been sold as rapidly as they could issue from the press—may afford some ground for estimating the merits of the composition, and will, I trust, prove ominous of the ultimate triumph of the principles of the Author, and of the success of his cause. Considered in the only light in which, in my apprehension, it ought to be considered, as a *Plaidoyer*, or the speech of an advocate in defence of his client, it may, without an hyperbole, be denominated a *chef d'œuvre*. As such, the frequent appeals to the passions of the different parties, the undeserved eulogies occasionally bestowed on some, and the cautious forbearance not unfrequently observed towards others, are not only justifiable but laudable. But if the reader should be disposed to dismiss this consideration from his mind, and to examine the work with a critical eye, he will doubtless discover some panegyrics, to the
justice

justice of which he will be loth to subscribe; and some positions which he will conceive it to be scarcely practicable to maintain. Of the former description are the commendations pronounced on the *last new* Constitution, and on the *virtuous* Republicans, of France; and of the latter, is the limitation of political rights to proprietors of land,

I can never admit, that a people who could passively behold, and, in some instances, actively promote, the horrid enormities of every description which have desolated France for the last seven years, and which are depicted by the Author in glowing colours, can have any fair and solid pretensions to *virtue*. Many there doubtless are who deplored the calamities which they were destined to witness, and would have cheerfully co-operated in any plan that could have been devised for their prevention;—but admitting that the great mass of the people harboured sentiments adverse to the existing order of things, still if they had been truly *virtuous*, they never would have tolerated the triumph of vice, but would, by the unanimity and potency of their exertions, have destroyed her empire in its infancy, and crushed that desperate and unprincipled *minority*,

which was suffered so long to tyrannize with impunity over their unhappy country.

In respect of the new Constitution, I confess I cannot view it in so favourable a light, as to admit that it forms an apt basis for the best practicable form of Government*; —unless, indeed, we consider the division of the present Government into three component parts, merely in the abstract, without any reference to the positive regulations to which each is subject; and look forward to the period when they may be perfectly assimilated to the King, Lords, and Commons of Great Britain. In order to effect such assimilation, however, a radical change, in *substance* and *principle*, must previously take place, and the present system could no otherwise

* “Monarchy,” —says LORD BOLINGBROKE, —“is to be preferred to other Governments, because you can better ingraft any description of Republic on a Monarchy, than any thing of Monarchy upon the Republican forms.” Quoted by BURKE, in his “Reflections on the Revolution,” p. 187; and well applied by BRAND, in that part of his able “Defence of the Pamphlet ascribed to JOHN REEVES ‘‘Esq;’’ in which he undertakes to prove, by the triple aid of authority, abstract reason, and history, that the best constituted mixed monarchies are those in which the estates have sprung out of the Monarchy, p. 32.

be regarded as a basis, than as an Executive Power and two distinct chambers would be retained; for a fundamental difference would subsist as well in the means of their formation, as in the nature and extent of their joint and separate prerogatives. This, I know, is the form of government which the Author was ever anxious to introduce in his native country, and which, of course, I am authorised to suppose, he concurs with me in considering as that form which, in a general view, presents the most practicable advantages with the fewest practical errors. But though history and experience combine to convince me that the British Constitution is best adapted to the country which it has contributed to raise to a glorious pre-eminence; I am by no means satisfied, that it is calculated to promote the happiness and prosperity of the People of France. Political Constitutions, like plants, may flourish in the land that gave them birth, but seldom prosper when removed into a foreign soil, unless there be a perfect uniformity of climate and situation; *natives* thrive where *exotics* perish. It was one of the wisest of MONTESQUIEU's wise observations, that—"Laws ought to be so perfectly adapted to the nation for which they are made, that it is a very great

"chance whether the laws that are good for one
 "people would be good for another*."

The present Constitution of France may certainly derive some advantage from a comparison with its immediate predecessors, which exhibited a compound of folly and depravity unparalleled in history. But that advantage can by no means be deemed *absolute*; and when this Constitution forms the subject of distinct consideration, I apprehend, it will be found to possess but very slender claims to commendation, either as a complete superstructure, or as a mere basis for some more solid fabric. A regular analysis of the Constitutional Code would fill a volume, and the advantage to be reaped from the work would but ill compensate the labour of composing it. My general ideas on the subject perfectly accord with those of a foreigner, of whom I can never speak but in terms of respect, esteem, and admiration. Endowed with extensive talents and a deep foresight, unwarpd by prejudice and undeformed by passion, his mind

* "Les loix doivent être tellement propres à la nation pour
 "laquelle elles sont faites, que c'est un très grand hazard si
 "celles d'un peuple peuvent convenir à un autre."—*Esprit
 des Loix.*

presents

presents a happy combination of all the powers requisite to form a great political writer, and of all the comprehensive and enlightened faculties which are indispensably necessary in the composition of an able statesman. With him I incline to think, that the change which took place in the Government of France in the autumn of 1795 was rather an alteration in form than in substance, and the elementary principles of tyranny and injustice still subsist, though the interest of the Governors has united, with a chain of concurring circumstances, to render their reduction to practice less frequent and less flagrant.

“ It will not be urged, that a representative
 “ democracy corrects the inconveniences which
 “ it produces; for, in the first place, there is no
 “ similitude between a representative Govern-
 “ ment and the revolutionary Government of
 “ five hundred citizens, who perpetuate their
 “ own active power, in violation of a funda-
 “ mental law. In the next place, it is not suf-
 “ ficient for a nation to have representatives, if the
 “ different interests of which society is composed
 “ are not defended, in a just proportion, against
 “ the sophisms and the invasions of the general
 “ will. A GENERAL SUBVERSION TOOK PLACE,
 b 3 “ WHEN

" WHEN THE RIGHT OF VOTING WAS TRANS-
 " FERRED FROM PROPERTY TO POPULATION;
 " this subversion still subsists, and will continue
 " to subsist as long as the Republic. It is equally
 " necessary that the Constitution should provide
 " a defence against the private interests and the
 " power of the representatives. All the fabric-
 " ators of French laws have been studious to
 " render them absolute. To transmit the passions,
 " the vices, and the powers of the multitude to
 " a majority of deputies whose conduct is sub-
 " ject to no responsibility, and whose authority
 " acknowledges no restraint, was only to change
 " one kind of slavery for another; but the
 " distance between this despotism, miscalled *re-*
 " *presentative*, and the sovereignty of the people
 " is great. The transition from the latter to
 " the former was speedily atchieved; and *the*
 " *people* and *their sovereignty* are now only talked
 " of, in the governing councils at Paris, in the
 " style of those sacrilegious culprits who over-
 " turn the altar while they are kissing the
 " crucifix *."

* Correspondance Politique, pour servir à l'Histoire du
 Republicanisme Français par M. MALLET DU PAN,
 p. 68.

The same writer has expressed himself with still more energy and decision, on this boasted Constitution, in a subsequent publication which displays all that combination of endowments, which I have stated him to possess.

“ Assuredly no monarch, and probably no
 “ minister nor magistrate out of France, has
 “ submitted to read, much less to study, the
 “ Constitution of 1795. This presumption is
 “ suggested by the opinion which has been
 “ generally formed of this new *chef d'œuvre* of
 “ the political infancy of France, and a *chef*
 “ *d'œuvre* which might be described in a single
 “ line, by calling it *a means of allying with the*
 “ *forms of liberty the necessity, the combination,*
 “ *and the force of despotism.*

“ The national representation, weakened in
 “ its principle, by an extension of territory; in
 “ its mode, by the nature, rapidity, and scale
 “ of the elections; is only placed there to serve
 “ as a mark for tyranny, a Directory, isolated
 “ from the nation, and almost independent of the
 “ legislature; legislative councils, chained to
 “ that Directory by a similarity of situation,
 “ of interest, and of passions; deputies, ab-

“ solute strangers to their Constituents; too
 “ poor to dispense with salaries, and too great
 “ novices not to be eternally subjugated by the
 “ intrigues, the immorality, and the ascend-
 “ ancy of the capital; electors who must be
 “ paid for their scrutiny at the rate of *three*
 “ *livres per head per diem*; the whole admini-
 “ stration removeable at the will of the supreme
 “ regency; a right of requisition unlimited; all
 “ the attributes of power vague and indeter-
 “ minate; the inefficient rights left to the
 “ nation circumscribed and fettered; add to this
 “ a war which puts all the Citizens in the bar-
 “ racks, in the camps, or on the Government’s
 “ registers of recruits; which authorizes the
 “ most arbitrary measures, and which empties
 “ every man’s purse: such is the composition of
 “ that Republic, *one and indivisible*, which, add-
 “ ing a few hundreds more of square leagues
 “ to its *indivisibility*, runs, of its own accord,
 “ into the embraces of despotism, without which
 “ a society of thirty millions of *equals* would be
 “ nothing more than a lay-stall *.”

* Letter to a Minister of State on the Connection between
 the Political System of the French Republic, and the System
 of its Revolution. Translated from the French of MALLET-
 DU-PAN. Longman, 1797.

The badness of the system is, indeed, amply displayed in the consequences which it has already produced. No better evidence of its pernicious effects need be desired than that which is contained in the following work, where the Author has unfolded such a scene of tyranny, oppression, and iniquity, as would satiate a SYLLA or delight a NERO. When, immediately after the establishment of a new Constitution, frequent violations of its principles occur, it is natural to conclude that there is some radical defect in the fabric; for as every one must be acquainted with its maxims, its provisions, and regulations, such breaches cannot be imputable to ignorance or error, but must proceed from the want of a proper controlling power, and of those efficient checks, restrictions, and balances, without a due distribution of which there can be no good government. It is a fact, probably but little known, that by the French Constitutional Code the people are expressly deprived of that right of petitioning which is justly deemed to be a necessary safeguard to liberty, no portion of them collectively, except the constituted authorities, (and those only on subjects connected with their offices,) can petition the Legislative Bodies

or

of the Executive Directory. The petitions of individuals are alone lawful.

Some farther idea of the *advantages* which the People of France have derived from the establishment of a Democratic, or rather *Despotic* Republic on the ruins of their ancient Monarchy, may be formed from the following comparative picture of that country in 1788 and in 1796, drawn by a lively and accurate pencil,

In 1788.	In 1796.
A King !	Five Directors.
A Queen !	Five Directresses.
A Royal Family !	Five Families of Directors.
A Court !	Five Courts.
A Military Household !	<i>Questors</i> guarded by <i>Pretors</i> .
A Great Council !	Council of Five Hundred.
A Privy Council !	Council of Two Hundred and Fifty.
Parliaments !	Tribunals which on some occasions are united. Civil Tribunals; Military Tribunals; Court of <i>Cassation</i> , &c.
A Chancellor !	A Minister of <i>Justice</i> .
A Minister for the Home Department !	<i>Idem</i> .

A Mi-

In 1788.

In 1796.

A Minister of War!

Idem.

A Minister of Marine!

Idem.

A Minister for Affaires E-
trangeres!

A Minister for Affaires E-
trangeres.

A Lieutenant of Police!

A Minister of Police.

Commissaries of the Police!

Idem.

Spies and Informers!

Idem, increased a hundred-fold.

A strict and well-regulated
Police, even during the
night!

A Police that cannot repress
assassinations even in the
day-time.

One Bastille!

Upwards of forty-four thousand
Bastilles.

Lettres de Cachet, one or
two in a year!

Mandates of Arrest, in num-
bers that set calculation at
defiance.

Thirty Provincial Intend-
ants!

Eighty-eight Departmental
Administrations.

Governors and Command-
ants!

Proconsuls, temporary Com-
mandants, and Commis-
saries of the Executive
Power.

Intendants of Commerce,
Mines, &c.!

Intendants of Commerce,
Arts, Mines, &c.

Academies!

National Institutions, Lyce-
ums, Museums, Gymna-
siums, &c.

An established Religion!

No Religion of any kind.

Churches rich in Plate!

Churches totally stripped.

Plenty of Specie!

Specie exported, buried, with-
drawn from circulation.

Twenty-six Millions of In-
habitants!

Nineteen Millions of Inhabit-
ants.

In 1788.

Militia-men drawn by lot !

The People never in want
of objects of the first ne-
cessity !

Plenty of bread at all times !

Duties *d'Entrées*, *Gabelles*,
and Tythes !

A few necessary Taxes !

Maitrises * once paid !

Public Securities in credit !

Annuities sometimes rather
in arrears, but always paid
in objects of real value !

In 1796.

Requisitions, and *Volunteers*
marching bound and hand-
cuffed.

The People plunged in dis-
tress and misery.

Under the National Conven-
tion, two thirds of which
still make the laws, each
individual reduced to two
ounces of bread per day.

Wine and Salt *cent. per cent.*
dearer, and subject to an
additional duty, but no
barriers, in order to afford
a pretext for the exaction
of indirect imposts.

Taxes without end, and with-
out any apparent motive
but the promotion of uni-
versal ruin.

Licences to be renewed every
year.

Mandates and Assignats with-
out value.

Annuities paid in Paper-
money, which, instead of
confidence and security,
presents nothing but mis-
trust and nullity.

* A tax paid for the privilege of exercising a trade or profession.

In 1788.

A Deficit of Fifty-six Millions!

Liberty under the name of *Slavery*!

Respect for Persons and Property!

All men in a state of legitimate obedience to the laws!

Subordination and good order!

Proprietors tranquil!

Rich become poor!

Places filled, in general, by men of character, well-informed and well-educated!

Protection accorded to virtue and talents!

A scaffold for crime!

The ancient *Fleurs-de-lys*, symbol of honour, engraven on the hearts of all Frenchmen, even of those who held subordinate offices!

In 1796.

A Deficit of more than *Fifty Thousand Millions*.

Slavery under the name of *Liberty*.

Persons and property constantly plundered.

The laws incessantly violated by the *Legislators* themselves, and by their agents, who follow their example.

Insubordination and anarchy.

Proprietors persecuted.

Beggars made rich.

Places filled, in general, by men of bad character, ignorant and impudent.

Protection granted to thieves and assassins.

An amnesty for crime, and a scaffold for virtue.

The ancient *Fleurs-de-lys* regarded as a mark of shame and degradation, imprinted on the shoulders of those citizens who distinguished themselves the most in the establishment of the *Provisional Government* *.

* *Quatrième Lettre à un Rentier, par Le Comte DE BAR-
RUEL-BEAUVERT, Paris, 1796.*

Utrum Horum? If this question were now to be put to the People of France, they would not, I conceive, long hesitate in their decision, but would subscribe to the former sentiments of one of their first idols, with still more enthusiasm than they displayed in their obedience to his subsequent tenets, when the Marquis was sunk in the citizen, and the literary philosopher lost in the republican demagogue. “Voltaire had good grounds for preferring one master to several, a sovereign whose prejudices are not to be dreaded, to a troop of despots whose prejudices are truly dangerous, but whose interests and little passions are still greater objects of apprehension: they are formidable to men of ordinary capacities, and particularly so to those whose knowledge alarms, and whose glory irritates them. On this subject he said, *My loins are not very flexible; I submit to make one bow, but a hundred successive bows would fatigue me* *.”

Among the numerous interesting topics discussed in the following pages, the reader will

* Vie de VOLTAIRE par CONDORCET, p. 132.

find some new light thrown on the origin of the war, and the arguments of those who have supported the cause of truth, in fixing the charge of aggression on the French, materially strengthened.

find some oversight in the origin of the
war and the arguments of those who have
ported the cause of truth in fixing the charge
of aggression on the French, materially misappre-

EXTRACTS from the BRITISH CRITIC for June 1797.

"We do not here propose to announce, or recommend to public notice, a work which was known all over Europe as soon as it was published, and of which the numerous editions are disposed of with a rapidity equal to that with which they succeed each other; but we would willingly pay that tribute of homage and good wishes which is due from every man who commiserates the unfortunate, or is sensible of the claim of justice, and the interests of social order.

"If ever a man could be fitted, by a train of circumstances, to undertake the defence of a cause so great, and, at the same time, so disastrous and so difficult, it is undoubtedly the noble advocate who has taken it up.

"Undoubtedly, there is not among all the French Emigrants, a man more proper to undertake their defence, than he whom fortune had placed in such a situation; than he on whom Providence had imposed such duties, endowing him with such sentiments and faculties, and had forced, and instructed from his infancy, to pursue, to unmask, to combat, to disarm, and beat down fraud, injustice, and violence.

"We confess that under each of these points of view, the champion of the Emigrants has fulfilled, perhaps surpassed, what we had promised ourselves from his undertaking. We shall not praise the eloquence, the force of reasoning, the touching sensibility which characterise every page of the Defence of the Emigrants. We shall only repeat what has been said a thousand times in France, and out of France, "It was what every body expected from him."



DEFENCE

OF THE

FRENCH EMIGRANTS.

THE French Republic has proved victorious. She sees the ambassadors of all the powers who had confederated against her arrive in her capital. She negotiates a peace with some; she has dictated peace to others; and the time draws near, when she will have concluded peace with all. War is about to cease between France and foreign powers;—shall it then be rendered eternal between Frenchmen and Frenchmen?

Amongst all the conciliatory envoys, who, in balancing the rights and the sacrifices of their august constituents, are about to fulfil the consolatory mission of re-establishing Europe on her former basis, to dry up the tears, and to close the wounds of humanity, will no one be seen to offer to triumphant France, in the name of exiled France, the

most sacred of all rights, the most affecting of all sacrifices; alas! the bitterest of all tears, and, of all wounds, those which will bleed the longest?

When foreign enemies go to solicit from magnanimity the conquests which valour has made, shall not oppressed citizens go to require from justice an end to those usurpations which tyranny has enforced?

No:—And in that France, which in all times has been distinguished by too many civil dissensions, but which, hitherto, at least, had been equally distinguished by her generous reconciliations; in that France, which has seen HENRY THE FOURTH, the best friend of MAYENNE; and MAYENNE, the most faithful servant of HENRY THE FOURTH; in that France, which, after being cut off for seven years from all communication with civilized beings, has, for the last two years, pretended to renew her intercourse with civilization; which in fact, during that epoch, has enacted many laws worthy of submission and respect:—it is still true that any representative of innocence and misfortune, who should now present himself with the olive-branch in his hand, resignation on his lips, and the love of his country in his heart, would be consigned to death the
very

very instant he set his foot in the territory of the victors, in the native land of the vanquished, in the common soil in which that same country burns to see her children throw down their arms and swear an eternal peace!

What do I say? This is no longer the language which we must now employ. These denominations are no longer understood. Ideas as well as expressions have been interverted. The oppressor styles himself the offended, iniquity assumes the appellation of law, plunder is deemed synonymous with property, the name of crime has been attached to misfortune, to right, to virtue. We have no longer to stipulate for the vanquished, but to plead for the accused, to ask favour for the condemned! And we cannot even assail the ears of our judges with the cry of justice and mercy; we must address it to them from distant countries; we must leave it to Echo to bear it to the hearts which we wish to melt in our favour!

I have just re-animated these last cries, these smothered lamentations, these forgotten rights; I have just collected them all in a production of which nothing can impede the course, nor diminish the strength; in a production which no
future

future æra will reject, and which even the present generation will not brave with impunity. I submit to my fate with the certainty of not having deserved it; I argue from things as they are, with the consciousness of not having contributed to render them such; I oppose to necessity the only resistance which strong minds can oppose to it—the courage to support it; I become the advocate of those who are entitled to have an ambassador; in a word, I adopt the language of the day, and plead for persons accused, condemned, proscribed; for French Emigrants, in short:—But let the judges be careful how they decide; for whatever means they may have employed to *acquire*, there remains but one to *preserve*—and that is, JUSTICE.

I talk of Judges, but where can they be found? in whom shall I recognize that character? whom ought I to enlighten? whom can I supplicate in France? to whom address my vows, my complaints, my remonstrances? to the Tribunals? to the two Councils? to the Executive Directory?

To the Tribunals?—They, I know, present a pleasing and a glorious contrast with those whom I dare not call their predecessors; for what connection

nection can there be between the enemies and the dispensers of justice; between the murderers and the protectors of innocence; between the ministers let loose by Robespierre, and the magistrates elected by the people? The Tribunals are now the soundest part of the Republic, and France has, at length, begun to reap the advantage of that sublime institution, the Trial by Jury, the eternal bulwark of the laws, and of public liberty, wherever they have been once established. But these Tribunals are instituted for the purpose of applying the law, and not of making it. As unhappy in the execution of injustice as we are in being the objects of it, they go on from day to day in the track marked out for them, rejoicing whenever any opportunity occurs for rescuing a victim from the fatal effects of the exterminating decree; but have it not in their power to create a general measure, a decree of universal safety and security.

To the two Councils?—I have traced their debates with attention; I have frequently admired the talents they have displayed, which would have done honour to the Tribunes of Athens and of Rome. I have, more than once, distinguished virtues which the Areopagus of the one, and the Senate of the other, would not have blushed

to

to own in their best days. But, for a few victories which these privileged characters have now and then obtained, how many times have their impotent efforts been thwarted by the remains of the ancient faction, by those men, who, after having cannonaded the people in order to represent them, would not even suffer the exercise of their power to expiate the principle on which it was founded, and rather chose to verify the dreadful observation of the historian of Tiberius, *that the Empire acquired by crime was never exercised for the happiness of mankind* *.

To the Executive Directory?—They seem at last to have formed an union with virtuous men, and to have consented to destroy the power of the wicked. It would be unjust not to notice the first steps which they have made in this *new* career; it would be fatal not to tell them, that if they complete the work which they have begun, there is no species of oblivion which they may not hope to obtain for the past, no kind of merit which they may not claim for the future. But there

* Imperium flagitio acquisitum nemo unquam bonis artibus exercuit.

TACIT.

are still recollections to be effaced and apprehensions to be removed. . . . Most certainly the five Directors of France have not yet deserved the confidence of the unfortunate; and they must, at least, have ceased to prove themselves implacable enemies before we can be authorized to consider them as impartial judges.

Whither then shall I carry, before whom shall I plead, this cause so just and so interesting, but still so strongly marked by a cruel fatality; this cause, the defence of which admits of no delay, and for which so many minds are yet so little prepared?

People of France! I lay it before you; not before those who have added to all their other usurpations that of appropriating to themselves exclusively your name;—to all their other acts of perfidy, that of calumniating it; to all their other crimes, that of disgracing it;—but before THE TRUE PEOPLE OF FRANCE, who, far from having been the accomplices of our oppressors, have been associates in our misfortunes, and were persecuted and attacked at the same time with us;—but before all those Frenchmen who, even amidst the effervescence of passions, preserved the purity of their hearts, or expiated
noble

noble errors by a more noble repentance;—but to the totality of good citizens in whatever class of society they exist.

You, virtuous electors! who have already laid the germ of public safety in the councils and in the magistracy, and who will soon strengthen it by a new election:

You, incorruptible judges and jurymen! who have tired out persecution by your courage, and conquered injustice by your conscience; who have four times acquitted innocence which had been four times brought to trial; and who have just solemnly decided that the daughter who gives the means of subsistence to her father, the mother who gives it to her son, and the wife who gives it to her husband in exile, discharge a duty instead of committing a crime:

You, good and honest farmers! who, in a great number of provinces, have become the friends of those of whom you were formerly called the vassals; who have shed over the tombs of some the tears of grief and gratitude; who have wept with joy on learning the safety and deliverance of others, have run in crowds to meet them, have brought them back in triumph to their ancient

cient habitations, and have there surrounded them with your affecting attentions, your useful labours, your voluntary and compassionate respect :

You, good men of all ranks and conditions ! who, like us taken by force from your homes, like us thrown into dungeons, like us loaded with calumny, and like us have miraculously escaped the sword so long suspended over our heads, ought not only to compassionate the calamities which yourselves have experienced, but to appreciate our innocence by your own, since the same impostors accused us to you who afterwards accused you to your executioners :

You, soldiers of the country ! who were heard to exclaim, in the time of Robespierre, "*We abhor internal tyranny, but we will repel ferocious usurpation;*" who have probably contributed more than any body to the revival of the laws, because you have rendered it impossible to support the contrast of so much heroism abroad and so much depravity at home :

You, citizens of *Calais* ! who received, who carried in your arms the unhappy men whom the inclemency of the ocean had cast on your shores;

who, by your courageous humanity, had the glory and the consolation of rescuing them from a more horrible gulph than that in which the ocean had threatened to plunge them :

You, generous inhabitants of *Alsace* ! who have just offered, for the first time, to your fellow-countrymen, taken prisoners when fighting under standards not your own, that noble treatment which unfortunate valour always receives from the most barbarous enemy, but which Frenchmen had not blushed to refuse to Frenchmen :

You, all, in short, who, whatever might be your original opinions, now agree in this, the only true, the only just sentiment, that all considerations ought henceforth to be sunk in the safety of France, and that the lawful government is that by which the country shall obtain the restoration of peace, morality, and law :

You, I acknowledge for my judges, you whom it is useful to instruct, you whom it is noble to implore, you whom it is happiness to convince. I transport myself, in idea, into the midst of you, and seem to traverse your towns, your villages, your tents, to convene you all, in the name of
your

your *country* and of *humanity*; in the name of *order* and of *liberty*, which have so potent an influence over great minds and good hearts; to lead you all to the most open and most elevated spot in your Republic; and in that immense forum, that new *Mons sacer*, where I mean to raise a temple to *justice* and to *clemency*, I am going, supported by your virtue, to summon before you the sanguinary relics of our persecutors, who have been your persecutors also, to defy, to interrogate, to confound them; so that, when the hour of judgment shall arrive, in the division which your sovereign sentence shall allot, *justice* shall be our portion, and *clemency* theirs.

You will accompany me to that august Tribunal, you will there surround me with your protecting train, you, whom I have not classed among my judges, because I wished to have you for my patrons; censors of public morals, hope of oppressed innocence, virtuous writers, who, even under the rod of our tyrants and the daggers of our assassins, dared entertain for us other sentiments than those of hatred; dared, in speaking of us, to use other language than that of malediction; you remembered that nature had united us by the tie of one common country, and, after having defended or avenged the authors of our days, dared publicly express a hope that

a period might at least be put to our separation, if we could not receive compensation for our losses.

Yes, you will support my voice, for it is to you that I am indebted for the courage to exert it. My mind must be unfolded in your presence.— You must be told of the share that you bear in the bold enterprize in which I invoke your aid. I was overwhelmed with grief, and sunk in discouragement; I neither deplored the losses of ambition, nor those of fortune; a man may live without splendour, and Providence has deigned to supply my wants; it has done more: if a man can have two countries, Heaven has furnished me with a second. But that in the country which gave me birth, and my love for which will glow in my heart so long as it shall continue to beat; that in the country where fate makes me forget my own, whose misfortunes I deplored, though from it all my calamities proceeded; whose victories raised my pride, though they rendered the victors more unjust to me; that *there* no voice should be raised, that not a sigh should be heaved in my behalf; that, cast by violence far from the sight of our fellow-citizens, we should never be present to their minds nor to their consciences:— this consideration gave birth to affliction which I had

I had not strength to support; and it was from the enormous weight of that affliction that your writings suddenly relieved me. Your writings proved to me that there were many just and feeling hearts still left in France. Your writings aroused every generous and patriotic exile. Your writings revived the ray of hope that gave me fresh strength, and I exclaimed,—“ Yes, “ my voice shall once more be heard, before it “ sinks for ever. Yes, I will bear the words of “ peace and justice between the oppressors and “ the oppressed. Separated, by fortuitous circumstances, from the numerous victims of “ misfortune, I will again join them, that I may “ feel like them and with them; that I may “ have no interest distinct from their interest; “ that, in pleading their cause, I may not plead “ a cause foreign from my own; that I may “ speak of *our* misfortunes, *our* rights, *our* sacrifices, *our* fellow-citizens, *our* country; that “ I may, in short, prove myself a Frenchman “ when the salvation of France forms the subject “ of discussion.”

The salvation of France! . . . I well considered this expression before I committed it to paper. Ah! may France fulfil the hope which you have formed, virtuous writers! May she, as you have

advised her, *contrive, by some means or other, to rally under the same standard all those to whom Heaven has assigned the same country.* May she be convinced that, without this, she will impose on herself a weight of ignominy that will crush her; she will ultimately be convulsed by crime and by remorse; and will doom herself to suffer a train of calamities of which the rising generation will not live to see the end.

But I am in the presence of my judges, and I shall perhaps be told, that I ought to begin by submitting to their consideration more humble truths, and that, before I can deliberate as a *citizen*, I ought to clear myself as an *accused person*. It is very difficult, however, of two characters, one of which has never ceased to belong to me, and the other of which ought never to have been imputed to me, to sink that of *citizen*. At least I may be allowed to remind my judges, that I have no intention of refusing to submit to any of the proofs which adversity requires. I will remember, should it be necessary, that the greatest and most virtuous personages of ancient Rome, summoned before the assembly of the people, considered it as a serious misfortune to be even calumniated in the minds of their fellow-citizens, and appeared on the
6 public

public square with dishevelled hair, a downcast countenance, a mourning dress, and a melancholy retinue.—How then could I, who am now about to bear the weight of so many false accusations, and of so many real misfortunes, refuse to pay to the dignity of the TRUE PEOPLE OF FRANCE, to the grief, and more especially, to the dangers of my country, the homage of entering, with the same compunction, with the same mourning, on a cause certainly the most just, but at the same time the most agonizing in its principle, the most alarming in its consequences, that was ever discussed. The more I feel all the purity of my innocence, all the inviolability of my rights, the less it costs me to present myself as a suppliant before my country, when I come to conjure her, still more for her own sake than for mine, to accord me an act of justice which she cannot refuse without devoting herself to calamities much more dreadful and much more durable than mine.

People of France! a third constitution has been given you, and its duration has already exceeded the term of a year,—a circumstance which had not before occurred since the beginning of your troubles.

Its authors, judging by the affections which they know, and by the prejudices which they suppose, me to possess, probably imagine that I am coming, armed cap-à-piéd, to break in pieces the tablets of your new law, and to throw down the gauntlet to all who concurred in its formation, and will now stand forth in its defence. Alas! they are mistaken. We ought to try your recent constitution by the standard of your own necessities, and not by the rule of our desires. Far from instigating you to rise against it, I will, on the contrary, congratulate you on having obtained it. I solemnly declare, that I know not one single step, one single form of possible melioration, of which it may not constitute the basis; and the first word I shall utter about it, shall be uttered in its defence against a species of attack, which, in my apprehension, is sovereignly unjust.

If we once separate a political institution from the times which gave birth to it, we deprive ourselves of that standard which can alone enable us to form a sound and equitable judgment of its merits. Judicial duels, at the period of their abolition, must have appeared to be nothing better than an absurd and barbarous custom; but yet the first legislator who introduced them had made

one

one step towards reason and humanity; for it was certainly doing a great deal to impose a check on revenge, to soothe the rage which it was not then possible to restrain, and to diminish the number of victims at a time when it was impracticable to enforce the preservation of them all,

In the same manner the moment will come, (and I pray to Heaven to hasten its approach,) in which you may examine the constitution of 1795, in its connection with *absolute* principles, cut off whatever is offensive, add whatever is wanting, and perfect whatever exists. Whoever, at this time, wishes to be just, ought to appreciate it *relatively*; paying particular attention to the circumstances which attended its birth; comparing it with the institutions which it replaced or destroyed; and never, for an instant, forgetting the obstacles it had to encounter, some of which it subdued, while others it could only elude. For my part, when I well consider the point whence its founders set out, and that which they have already attained, I doubt whether so rapid a progress was ever before made in the career of truth and public welfare, in the roads of virtue and repentance, of that repentance, which, to use the beautiful expression of

Rousseau, is perhaps farther removed from crime than innocence itself.

In comparison with the constitution of 1795, what was that of 1791—that monstrous production, composed of such heterogeneous parts, which did not contain a single article that was not contradicted by another; did not offer one advantage the attainment of which it did not render impossible; did not establish one authority which it did not render impotent; spread universal dissention, instead of diffusing general harmony; organized anarchy, and founded dissolution?

In comparison with the constitution of 1795, what was that of 1793—that code for which no human language can supply appropriate expressions; that code which, in the name of society and the laws, delivered up mankind a prey to all those scourges, for the express purpose of avoiding which, they enter into a state of society, and submit to the restriction of laws?

Can any one be still blind to the immense advantage attached to the mere division of your legislative body into two councils, after those
three

three legislatures, consisting only of a single chamber, which, improving on the schemes of each other in their disastrous succession, had oppressed, desolated, ensanguined, and dishonoured France, during the six preceding years?

What force does your present Executive Power possess when compared to that phantom of a king, who appeared to have been left on the throne in 1791, for no other purpose than that of affording an opportunity for the commission of one other crime?

Yet, what a restriction is already imposed on that same power, so unlimited, so unpunished, when it was vested in those committees of death, which, by the most inconceivable confusion of ideas and contradiction of terms, were called, *Committees of Safety*!

What a diminution already appears to have taken place in the number of governors, when we now find only five directors, after having had sometimes ten, sometimes twenty, sometimes seven hundred, sometimes twelve hundred kings, at once legislators, pontiffs, generals, administrators, magistrates, and judges; alternately creators, rivals, instruments of forty-four thousand

and sovereign municipalities, having themselves, for supreme regulators, an equal number of Jacobin Societies!

How many incumbrances have been removed from the political machine, how many hopes given, how many means opened to all the friends of peace, order, and justice, by the absolute interdiction* of those popular clubs, those aggregated affiliations, those corresponding societies, which, extending from one end of France to the other, a *conductor* as rapid as terrible, held a thunderbolt constantly suspended over the heads of all innocent men!

Is not then that total suppression of seditious corporations, joined to the prohibition, so formally expressed, and so frequently repeated, which forbids either the Directory, the Legislative Body, or the Administrators, to usurp the functions of judges†, to be considered as a primary and solid basis for the independence of the judicial power?

Is it not then a first and an essential homage paid to property, to have declared, *that on the*

* Articles 360, 361, 362.

† Articles 189. 202. 264.

*maintenance of property all social order depends**; to have announced to every citizen, *that it is his duty to defend it*†; to have excluded from the electoral assemblies all persons who have not a certain portion of landed property‡?—From the provisions of the constitution of 1793 to all these articles the distance was immense; from the qualifications of an elector to the qualifications of a representative there is but one step.

By the side of those *Rights of Man*, which the first assembly had imprudently committed to chance, I now descry the *duties*, which it so scandalously refused to notice.

By the side of what constitutes and ensures *Liberty*§, I find what regulates the exercise and prevents the abuse of it; I find the individual protected so long as he remains innocent||; warned when about to become guilty; opposed as soon as he does becomes so; and punished after he has been so¶.

* Art. 8. of the *Duties* of a Citizen,

† Art. 9.

‡ Art. 35.

§ *Rights*, Art. 2. *Constit.* Tit. 14.

|| *Duties*, Art. 9.

¶ *Constit.* Tit. 14. Art. 363, 364, 365, 366, &c.

If the consequences drawn from the doctrine of *Equality* are too absolute to escape contestation, at least the definition given of *Equality* itself ought to dispel all fears, and may defy all censures *.

The safety of one of its members is prescribed as a duty to the whole community †.

Lastly, I see, at the head of the constitution of 1795, a consecration of the law to THE SUPREME BEING. I see, at the head of *the Duties of Man*, the whole system of morality reduced to two maxims proclaimed by the Gospel of the Christians ‡. I see, in the general provisions which terminate the constitutional code, a formal prohibition to molest any man, whatever he may be, in the exercise of the worship which he renders to God. I nowhere find a prohibition either to the private citizen, to persons in authority, to the administrative bodies, to the legislative councils, or to the directory, publicly to invoke the God

* *Equality consists in the sameness of the law to every individual, whether for the purpose of protection or of punishment.* Art. 3. *Rights*.

† *Rights*, Art. 9. *Duties*, Art. 2. 9, &c.

‡ *Do not unto another that which you would not have done to yourself.—Do constantly to others that good which you would wish to have done to yourself.* Art. 2. *Duties*.

of their fathers, to call down his blessing on their works, to offer up thanks for his beneficence, to implore his aid against the unjust enemies of the republic,—in short, to consecrate the political, and consolidate the moral system, by religion.

PEOPLE OF FRANCE! whose equity constitutes my only hope; you deign, I trust, to remark with what candor I proceed, and what strong interdictions I have imposed on my reason to prevent it from becoming subservient to party spirit. On the other hand, it would as little become me to feign enthusiasm in order to conciliate your favour, as to repeat calumnies in order to inflame your discontent. Though I am an impartial judge of your new constitution, I am far from becoming its blind guarantee. I still find in it the great and dreadful problem of the first magistracy of the state (and of an immense state) rendered elective and temporary, and divided between the will of five individuals. Have your legislators made a discovery, or have they pursued a chimera? Will the inconveniences attending their new system (for every human establishment has its inconveniences) be more or less serious than those which they pretend to have avoided? These are questions to the solution of which the knowledge that results from experience will

will be necessary; but which are absolutely foreign from the cause which I have undertaken to defend.

There is one thing, however, which, even now, is clear as light; which the experience of ages, infallible reason, and sovereign justice, have irrevocably decided; which, in short, forms my whole cause,—that is to say, which concentrates in a single point all the moral iniquities and all the political heresies which I have just denounced;—I mean the article that relates to the *Emigrants*; which became a disgrace to your constitution the very day it was inserted, and which will soon produce its destruction, if you do not hasten to expunge it.

This article was neither the produce of the same minds, nor of the same genius which proposed the plan of your political establishment. Could I have praised a work of which such a provision had formed an integral part? Instead of harmonizing with the body of the work it forms a perfect contrast with it. It was by surprize, by violence, by availing themselves of some unfortunate circumstances, which occurred during the discussion, by invoking the phantom of that terrorism which was scarcely subdued, that its authors succeeded

ceeded in procuring a clause destructive of all constitution to be declared *constitutional*. Crime, escorted by insanity, trembled with rage at beholding the revival of wisdom and virtue. It exulted in the idea of having, with a single phrase, dishonoured and perverted all their laws, fixed a venomous plant among their salutary seeds, and thrown, into the very center of the fabric which they had just raised, that fatal firebrand which was destined to reduce it to ashes.

Virtuous Republicans! permit me now to address myself to others, and no longer to you who have doubtless anticipated in your hearts, and probably expressed with your tongues, all the sentiments which I am going to utter. I shall henceforth confine my appeals to the criminal, the senseless, authors of the clause, which is alike disastrous and dishonorable. The language which they have deserved can be addressed to none but themselves. You are their victims as much as, and still more than, us; for you have still every thing to lose, and we have nothing left to save. It is in the name of the French Republic, then, still more than in that of the French Emigrants, that I accuse and attack them. Let them contradict me if they dare, and confute me if they can.

In

In the first place, let me quote the act which constitutes their crime; let me repeat that article which seems scarcely credible even while we read it; that fundamental law, subversive of the French Republic, by means of which ROBERS-PIERRE survives himself in the constitution which they pretend to have established on the ruins of his tyranny :

“ The French nation declares, that in no case will she suffer the
 “ return of those Frenchmen, who, having abandoned their country sub-
 “ sequent to the 19th July 1789, are not included in the exceptions to
 “ the laws passed against the Emigrants; and she forbids the Legislative
 “ Body to create new exceptions on this head.—The property of the
 “ Emigrants is irrevocably confiscated to the profit of the French Re-
 “ public.”—*Constitution of the French Republic, Article 373, Title 14.*
General Dispositions.

A people have been seen, after a successful opposition to foreign attack, or the fortunate suppression of civil commotions, to evince a disposition to repose themselves under the shelter and protection of a stable and salutary code of laws; they have been seen seeking in peace and justice the reward of their triumphs and the consecration of their rights; extorting, by their generosity or their wisdom, the respect of foreigners, and uniting, by a reciprocal sacrifice of the most just resentment, all the citizens of their own state. Thus the Republic of Athens was torn
 by

by three contending factions which threatened it with nothing less than annihilation. The Athenians of *the Mountain* wished for a pure democracy; those of the *Plain*, for a pure aristocracy; and those of the *Sea-coast*, for a mixture of both. At the very moment when their country was about to expire beneath their blows, all their consciences were suddenly stricken with the same sentiments of remorse; all minds were involuntarily attracted by one common movement. The three parties threw down their arms, abjured their hatred, joined, embraced, and sent to Solon to ask him for a system of laws, which they promised no longer to dictate, but thenceforth to obey.

Other nations have considered themselves obliged to exercise acts of rigour against individuals, when employed in establishing the general felicity of the community. But the solemn charter, meant to form the basis and the guarantee of the happiness of a whole people, was never disgraced by ideas of hatred and revenge. Isolated and fugitive laws announced those acts of rigour which necessity seemed to impose. The national pact which was destined, from age to age, to proclaim to future generations the inviolability of their rights, the dignity of their existence, and
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the blessings of their government, contained nothing that could tarnish the lustre or destroy the mildness of their destiny; nothing that could diminish confidence, alarm justice, or afflict humanity. Thus, when England called the third William to her throne, that *Bill of Rights* which became a new contract between the nation and their sovereign, held out to the English nothing but the glory and the happiness of a free people. The forfeitures inflicted upon those who had fought for the ancient government remained consigned in acts that were destined to be buried with the men against whom they were personally directed. Every man had a right to appeal against them to the courts of law. The forfeitures were declared in the year of the revolution, that is, in 1688; and in 1703 a door was still open to remonstrances and appeals. The garrison of Limerick, after they had defended themselves to the last extremity, saw their courage honoured by the victor, and obtained the most glorious capitulation from the prince in whose power it was to exercise all the most cruel rights of conquest. In 1746, amnesties were again passed. Even after the attempt in Scotland which had produced such bloody disasters, nineteen out of twenty of those whom the law devoted to death received pardons. But why talk of 1746? In every generation,

neration, in our own time, recently, the crown has again granted pardon, and more than pardon, restitution, indemnity to families who had been victims to the fatal *attainder*.

But to make of hatred and of rage (to say nothing of iniquity) one of the constitutional laws of a state; to perpetuate discord in inviting peace, and punishments in proclaiming beneficence; to engrave on the same table the laws of Numa and the proscriptions of Sylla; to invoke the *presence of the Supreme Being*, in order that he may assist at the impious carnage of his creatures; thus to take, in one and the same act, Heaven for a witness, and Hell for a model, is to engender a monster which may be suffered still to pollute for a time the light of the day, but which must soon lose that light itself; and which, consumed by the fire of its own rage, must ere long expire on the bodies of its murdered victims.

Alas! I wish to proclaim Truth with energy, and I weaken its effect! I wish to degrade by comparisons the tyranny which I combat, and I do it honour! I commit an outrage on the memory of *Sylla*!—*Sylla*, in the worst of his proscriptions, would have rejected with indignation those which the French Constitution pretends to perpetuate.

Sylla massacred the troops which fought against him, the magistrates who had proscribed him, the rivals of his power, the destroyers of his laws, the despoilers of his property, the murderers of his friends; but his severity against the children of the proscribed was limited to their exclusion from the senate and from the magistracy. *Sylla*, who would probably be called the greatest of the Romans, if he had not, till our days, been the most cruel of men;—*Sylla*, all-cruel as he was, would probably have shuddered, but certainly would have blushed, at those proscriptions which have been indiscriminately levelled at priests, old men, women, children in the cradle, and generations yet unborn;—and this, without a desire of vengeance, for the victims have been constantly oppressed, and the oppressors constantly triumphant; without any struggle for power, for no one can now dispute it with those into whose hands fate has resigned it; without rivalry of ambition or avarice, for none of us who have escaped the sword, or survived the misery of our situation, have any other object in view than again to behold the relics of our families, and to cultivate a portion of our own fields.

But let me restrain, if I can, or rather moderate my indignation. I must enter into a methodical analysis,

analysis, both in its relation to *justice* and to *policy*, of that, O *People of France!* which they have had the audacity to impose on you as a law, and the absurdity to represent as a salutary law.

That this act of madness and iniquity begins with an imposture, and with a national blasphemy; that the French nation have given, an hundred times, the lie direct to those men who dared to proclaim this *declaration* as an emanation from the French nation, is a truth which I shall invoke in proper time. *People*, I already hear the murmurs of your conscience! I promise you that I will appeal to it; but I entreat you, for the present, to restrain its dictates. I am particularly anxious that you should try this *declaration* by its own merits, abstracted from all consideration of the number and description of its authors or adherents. These last form but a secondary point of discussion; before I arrive at which, I have to establish an antecedent truth of much greater importance, since it is that which must lead me to my final deduction, *viz.* "That the French nation, united in a mass, much less an individual, would have no right to enact such a decree against that individual." PEOPLE OF FRANCE! it would be but a vulgar homage to tell you that you did not make this law; it is a

rarer homage to maintain in your presence, that, even if you had wished to make it, you could not have made it; to respect you sufficiently, to approach you in the midst of your triumphs, in order to convince you that justice has prescribed bounds to your omnipotence.

I here address myself to every individual whom the French Empire contains within its vast circle. Virtuous supporters; criminal prophaners of the Republic; ye too, who, still undecided, have determined to embrace no party, until one shall appear firmly resolved to be influenced exclusively by the principles of justice and of peace; I adjure, or rather summon, you all to follow me through the discussion on which I am about to enter. May the first of you find your wishes accomplished, the second your doubts removed, and Heaven send, that the third description may yet discover in the discussion, inducements to an efficacious repentance, rather than incitements to the rage of revengeful furies.

TRAITORS who left their country for the purpose of returning to attack it in arms;—COWARDS, who abandoned their country at a time when they ought to have taken up arms in its defence:—

These

These are the two heads under which all the French Emigrants have been classed by those who wished to legalize the spoliation of their property and the proscription of their persons: denunciations, laws, sentences, all that created, attacked, or tried our offences, defined them in this way*. On the accuracy of this first proposition not a doubt can arise.

Before I divide the parties accused into two classes, according to the two different kinds of offence thus imputed to them, I ought certainly first to fix your attention on the victims who, I don't say have not committed, but whom I say could not commit, either one or the other.

And first, will it be denied that all the Emigrant *Women* are manifestly innocent both of this *treason* and of this *cowardice*? Shall I be told, that the having or not having taken up arms may be imputed as a crime to women? Yet no law has excepted the women from the general proscription; on the contrary, the old law has expressly included them, and the new consti-

* See the preamble of the general and definitive Decree passed against the Emigrants, on the 28th March 1793; as well as the partial Decrees, and the debates to which they gave rise.

tutional law leaves them irrevocably in the same state. The law, therefore, in its principle, confounds innocence with guilt; and this circumstance alone would suffice to render it unjust.

In this case, innocence is not only manifest, but its existence is a matter of necessity. Injustice cannot by possibility have even a pretext for an error. Tyranny itself cannot form a suspicion. Does not the law then, which punishes, not only without the proof of a crime, but even without the possibility of an accusation, already bear within itself a degree of iniquity that excites the most general indignation?

Lastly, this iniquitous proceeding bears a third distinctive character, which I shall now proceed to describe. In this case, innocence is not only manifest, its existence is not only a matter of necessity, but it was entrusted by nature to the protection of those who have sacrificed it. Women, Great God! Women guilty of *cowardice* or *treason*! Alas! it belongs to them to prefer these accusations, instead of being the objects of them! The country is the offspring of the family; nature preceded the city. Certainly the citizen is not so strongly bound to defend the soil which he cultivates, as man is to defend the

the

the womb which gave him birth, and the womb which made him a father. The whole body of society is bound to protect the mothers of families, the wives, the sisters, the female friends, who support, or cement, or embellish the social bond. The *coward* is he who abandons them; the *traitor* he who gives them up; the monster he, who applying the knife to the throat of a blooming virgin, or of a venerable matron, equally defenceless, takes away without pity as without danger, that life which it is his duty to protect at the risk of his own. Impious terrorists! these, be assured, are the most disgusting enormities; these are the proofs of a most abject degradation which has at once devoted you to disgrace, and rendered you objects of execration. These constitute, if I may so express myself, the most complete annihilation of all the features of human virtue. The savage in his cave, and the cannibal in his orgies, respect the female sex. A tribunal assassinating, in a judicial manner, a croud of innocent fugitives, for attempting to escape from prison, from death, from dishonour, had not yet been met with in the annals of mankind. Lists of proscriptions filled with the names of women had not yet been seen. The disorders of a town just taken by assault presents the only image that I know of the acts of your Legislature. CITI-

ZENS

ZENS OF FRANCE! scarcely released from the deadly anguish which so many dear objects must have excited in your minds, ask those tyrants, whose *treason* you have subdued, because you were powerful; but who have still the *cowardice* to persecute us because we are impotent; ask them which of these sentiments, which of these propositions they will dare to combat in your presence? Ask them how it happens that a law for the assassination of women still forms an integral part of your constitution?

After the women come *the Children*, whose weakness, whose innocence has, if it be possible, something still more sacred in it than that of their mothers, for they can neither foresee, dread, nor implore. What has been, and what still is the fate of these unfortunate creatures? *There is an exception in their favour*, exclaim our tyrants. Yes, PEOPLE OF FRANCE! there is; and I will explain to you the nature of this boasted exception; for at the time when these laws were forged, far from being able to attend to our calamities, the whole strength of your minds was requisite to enable you to bear the weight of your own. Yes, your legislators of that day allowed a certain term for the return of all the children who had left France. But, do you know what that term was?

was? *Three Months*, let the distance be what it would. When the question was to render the parents who had remained in the country, responsible for the emigration of their children, no other bounds to paternal authority were acknowledged than those of the father's life*. But when it was wished to render the children personally responsible, then they were declared to be released from the authority of their parents, to be absolute masters of their own conduct, to be perfect men in short, at TEN YEARS OF AGE! At *ten years of age*, PEOPLE OF FRANCE! I speak with the *laws* before me †. By that of 1793 ‡, the child of ten years three months and eight days, who should have the misfortune to lose his father in exile, and whom a faithful friend or servant should bring back to his mother in France, would be condemned to lose his head. By that of 1794 §, if the child had not accomplished his sixteenth year, he would be transported; but if he was one day older, he would be executed. And as it has been decreed, that the capital part

* See the Decrees of the 8th April, 19th August, 12th September 1792; and the debates on those Decrees.

† Decree of 28th March 1793.

‡ Complementary Decree of the 28th March.

§ Decree of Revision, 28th December.

of the punishment shall be abolished on the restoration of peace, *except for the Emigrants*, it follows that the result of the greatest effort of legislative humanity that has been exerted in our favour since the 9th Thermidor, is, that the emigrant child who shall have returned to his country to prolong the life, or to close the eyes of an adored mother, will die on a scaffold; while a parricide son, who has not emigrated, will be suffered to live! Such are your present *Constitutional Laws*!

But what law has been enacted for maintaining the rights of a child under ten years of age, until he arrives at years of discretion?—rights which have been recognized by an express decree. What magistrate in France is to take minors under his care? What guardian preserves and regulates their property? What defender secures it from destruction, from usurpation, from malversation, and from rapine? The child, whom a widow, a sister, or a daughter, overwhelmed with despair, has carried away with her at her blood-stained bosom, and who has not yet heard of the calamities of its country, nor of the massacre of its family; the child conceived in sorrow and in exile, and who drinks more of the tears than the milk of its wretched mother, is already attained by

by this murderous law. It is enforced against them, even while they are unconscious of its existence. Their misfortune will remain without a remedy, their right will long have ceased to exist, when they hear it mentioned for the first time. The first notion they will receive will be this,—that on the day of their birth, they were marked by the hand of extermination, and that the crime of Herod has been politically renewed against them.

PEOPLE OF FRANCE! I wish to exhaust this affecting, this terrible subject. Such of our children as had not emigrated, might at least have expected to be *excepted* from the pains of emigration; their rights, already open, might at least have been respected; cloaths, food, and lodging, they might at least have been allowed to retain. But nothing, no nothing, has been left them! The lying decree which had promised them a fourth part of the spoils of their fathers, has never been enforced. Taken away, in the first place, from our love and our power; consigned * to the care of the municipalities of the 10th August, and the 2d September; soon after

* Decree of the National Assembly, August 15, 1792.

expelled

expelled from their paternal habitations, without a bed to repose on, or a room to give them shelter; even separated from their faithful servants, who were their last and their only protectors; how many of these wretched children have languished in indigence, have perished from want, have been buried pell-mell in the receptacles of misery and dissolution! And yet, I talk of injustice only!—Alas! PEOPLE OF FRANCE! I ought to prefer a charge of impiety, of sacrilege, against those degenerate men who have accumulated the most monstrous of all crimes on the heads of the most innocent of all creatures.

Thus far I may set all answers, and all objections, at defiance. I might now bring forward, after the women and children, the aged and infirm, the priests, and generally all those whose sufferings, whose age, whose character, kept them necessarily at a distance from the field of battle, since the offence consists solely in having or in not having made war. But although I might establish in their behalf, truths as strong as those which I have already stated, yet I am aware that I should not be entitled to throw out the same defiance. At least, insincerity and chicanery would have more ground for

cavil and dispute. After all, it is not impossible, that a priest should be armed with fanaticism, and an old man animated with rage. A purer principle might, then, produce upon them, the same effects; there is, then, a pretext for demanding an account of their activity or inactivity. But I wish, in this first head of my discussion, to avoid all pretence for debate. In this first order of victims whom I defend, I mean only to admit those who *never could be* criminal, those who *never could be* accused of the crimes, real or imaginary, which your Legislators have pretended to punish by an implacable proscription. The cause of the women and children requires to be considered distinctly and separately from all others. Alas! If I had only the certainty of rescuing from misfortune this one class, so numerous, so cherished, so worthy of every kind of respect, of every species of sacrifice,—were all the calamities which they now experience, to fall upon ourselves, how much should I think I had gained! O you, who still hold in your hands their fate and ours, if you wish to be unjust and pitiless, confine your persecutions to us. Resume your equity, resume your humanity, for our wives and our children, and we may still pardon you for ourselves, and bless you for them.

I shall

I shall however complete the examination which I have begun; for your remorse, your interest, the people, or Heaven, may perhaps inspire you with the resolution of not being just by halves.

Thus an immense portion of Emigrants are exempted from your proscriptions by your own suffrages, by the definition which you have yourselves given of our crimes. I shall now take a view of the Emigrants whom this definition may really affect; those who have been in a situation either to *betray* France by attacking it, or to *abandon* it by flying in the hour of combat.

I shall begin with the second class, the question which concerns them being the most simple; and I shall reserve that which is the most difficult and the most painful to discuss, for the last.

I shall always endeavour to lay down such truths as it shall be impossible for you to contest. Thus you will not certainly deny, that the act of *abandonment* is a voluntary act; that the *voluntary abandonment* of one's country, and being *forcibly expelled* from it, are two different things; —in other words, that to *abandon and betray* one's country

country, is not the same thing as *being abandoned and betrayed* by it.

I shall now examine what you call the old LAWS passed against the Emigrants. Among the *exceptions* which they contain, I seek for one in favour of the French who have been *expelled by violence* from their country; whom their country has betrayed by delivering them up, without the means of defence, to the plots of banditti, and to the poniards of assassins; who, in flying from her, who, in breaking their chains, who, by forcing their way through their burning roofs and their blood-stained walls, escaped death by a single day, an hour, and, in some instances, by a second. I find no old *exception* in favour of these unfortunate men; and, by a clause intercalated in your present constitution, *the Legislative body is prohibited to create any new exception*; and we cannot advance a single step in this strange system of legislation without being seized with fresh horror.

And remark, PEOPLE OF FRANCE! how just this expression of *intercalated* is; how innocent the authors of your new constitution evidently are of the article which infects and ruins their work! Not only the whole body of this constitution

tution repels, with its whole force, the pestilential excrescence which disfigures it; but the special *title*, under which the fatal clause is inserted, invests it, presses it with six other clauses, which do not permit it to remain in the midst of them. Ah! let nobody tell me "what is written is written; the constitution is decreed, its observance sworn to; it is no longer in our power to alter any part of it;" for I shall answer, "You must alter some part of the 14th title of your constitution; for the articles which it contains, are in direct contradiction with each other. They cannot remain together; they oppose, they destroy each other. No accommodation can possibly take place between them; you can only observe one part of them by violating the other; you must make your choice; and the whole question, henceforth, resolves itself into this point,—whether, impelled by necessity to make a choice, you will have the courage publicly to exclaim,—*We will efface from our code the respect which it proclaims for religion and morality; the defence of property, the safeguard of liberty, and the protection of the lives of individuals;—and we will preserve blasphemy and immorality, rapine, tyranny, and murder.*"

I am

I am aware, that an assertion of this importance requires proof, and I hope to adduce such proof as will leave no room for reply.

Persecutors, homicides, it is under the title of *General Dispositions*, that you contrived to introduce that article, which, in fact, *generalizes* confiscation, banishment, death, although there is not one of all the acts of public power that requires to be detailed with more minute and particular circumspection. But among the same *General Dispositions*, I find the following one:

“ The house of every citizen is an inviolable
 “ asylum; during the night no one has a right
 “ to enter it.—During the day the orders of the
 “ Constituted Authorities may be executed
 “ there.—No domiciliary visit can take place,
 “ except by virtue of a law, and with respect to
 “ the person or object expressly designated in the
 “ act which prescribes the visit.” (*Article 359.*
General Dispositions. Title 14. Constitution of
the French Republic.)

Above this article I find another, which says,—
 “ The Constitution guarantees the inviolability
 “ of all property.” (*Art. 358. Ibid.*)

Again, I read,—“ No man can be prevented
“ from exercising, in conformity to the laws,
“ the kind of worship which he has chosen for
“ himself,” (*Art. 353. Ibid.*)

I could easily multiply these quotations in an infinite degree; but the three articles which I have here selected will suffice for my purpose.

When you inserted these articles in your code, you certainly did not pretend to give them as discoveries of your own. The Constitution of 1791 had proclaimed them before you, and almost in the same terms, and that could not claim them as its own any more than yourselves. Who cannot descry in them the law of which Cicero speaks; that law which is innate, not given; that eternal and sovereign reason, which is the instinct of nature and the essence of truth; which infallibly distinguishes the just from the unjust, the good which it prescribes from the evil which it forbids; which would not be less law if you had forgotten or contradicted it; nor is more so because you have acknowledged and proclaimed it; which does not depend either on the will of nations, the edicts of kings, or the sentences of judges, but which commands them all; which, in short, did not become the law

at

at the time when it was written, but was the law as soon as it existed, and whose existence was coeval with the wisdom of God and the conscience of man, and was destined to be the first bond of society between God and man*?

But though your homage can afford no additional sanction to these laws which were formed by the Deity himself, it may be of great avail in appreciating those which most certainly belong to you, and the invention of which no one will contest with you. Now attend to me.

What! with your consent, *the house of a citizen is an inviolable asylum . . . During the night no one has a right to enter it . . . During the day no domiciliary visit can take place in it, except in virtue of a law, and with respect to the person or object expressly designated in the act which prescribes the visit . . .* This act can only be the

* Lex nata non lata . . . Æternum quiddam . . . Ratio profecta à rerum naturâ . . . Justorum injustorumque distinctio . . . Quæ non tùm denique incipit lex esse cùm scripta, sed tum cum orta est; orta autem simul est cum mente divinâ . . . Lex vera atque princeps, apta ad jubendum et ad vetandum . . . Ratio recta . . . Prima homini cum Deo Societas . . . Quòd si populorum jussis, si principum decretis, si sententiis judicum jura constituerentur, jus esset latrocinari, jus adulterare, &c.—Cicero de Legibus.

*order of a Constituted Authority:—*And yet those *citizens* who, seeing France a prey to disorder and crime, had shut themselves up in their *inviolable asylum*; those *citizens* who, in that *asylum*, in the middle of the *night*, without *law* and without *orders*, were indiscriminately massacred in their sleep; who, on opening their eyes, saw their beds surrounded with the torches and the pikes of ROBERSPIERRE; who, dragged from their *inviolable asylum*, were cast into dungeons, there to await the massacres that were soon to be committed; who, having escaped by an incomprehensible miracle, some while the preparations for murder were making, others in the midst of the slaughter, retired to foreign countries, there to deplore in solitude the misfortunes of their country, without even thinking of revenging the injustice they had experienced . . . Shall these *citizens* be now punished with death by your Constitution, if they attempt to return to what your Constitution calls their *inviolable asylum*?

What ! with your consent, *all property is inviolable*:—And those *citizens* whom crime has expelled from your country, which was theirs, and despoiled of their property, which has become yours; those *citizens* whom you have never condemned, whom you have not even accused,
what

what do I say? whose misfortunes and whose innocence you have acknowledged and proclaimed; whom you have termed *victims*; whom you have been heard to deplore; whom you have pretended to revenge:—shall those citizens be punished with death, if they come, in the name of your Constitution, to claim their family, their country, the air which Heaven had permitted them to breathe, and, after that property which is the dearest to their hearts, some part of that which is necessary for their subsistence, a field, a cottage, a portion, however inconsiderable, of *all that property, the inviolability of which the Constitution guarantees?*

What! with your consent, *no man can be prevented from exercising, in conformity to the law, the worship which he has chosen*:—And those unfortunate priests, those venerable remains which escaped from the butchery at the *Carmes*, at the *Abbey*, at *St. Firmin*, at the *Tower of Caen*, from the *drownings in the Rhone*, those religious pastors who had done much more than *conform*, who had sacrificed themselves to the *Laws*; who had renounced their temporal fortune, who were deprived of their public offices, who had preserved nothing but their faith and their *worship*; and who, tracked like wild beasts,

seem to have been rescued from the massacre of their brethren more by the secret designs of Providence than by the care which they took to save their own lives:—shall those pastors be put to death, if they come to ask you to restore at least their patrimonial inheritance, at least their native soil, and the liberty to *exercise the worship of their choice*, in places where so many martyrs have sealed it with their blood?

Their equals have been transported, you will say. But it is my intention to plead for these as well as for the others. *They have been transported!* then they are not guilty of having *abandoned* their country. *They have been transported!* But when? by whom? how? by what right? by what Legislators? by what Judges? under what tyrant? In our days a monarch has been seen to expel in one night four thousand monks, who were his subjects, from their houses, from their families, from their country, saying, that he *kept in his royal heart* the motives of such a proscription; and you did not fail to lay this crime to the charge of the despotism of kings. But the Spanish monarch, at least, when he condemned this troop of victims to wander on the globe, by despoiling them alike of their property and their country, had assigned to each individual

individual a pension for his subsistence, payable in any place where he might choose to settle, and destined to increase with his age and infirmities. But you, false Republicans, who forget that *virtue is the soul of Republics* *, banish your victims, strip them, persecute them in their exile and in their misery; and if they come to ask the family that gave them birth, the country which saw them born, the community of which they were so often the consolers and the nurses, to console and to nurse them in their turns, when they ask for the means of living, you give them death! And it is solely for having *exercised their worship in conformity to the laws*, that they are thus treated by your Constitution! and yet your Constitution decrees, that *no man can be prevented from exercising, in conformity to the laws, the worship which he has chosen!*

Let us not stop in this torrent of your contradictions; others yet remain for consideration. That horrid week of the second of September, whence we date that deluge of *crimes* and that system of laws, which have united to cover France with desolation and disgrace, you have solemnly marked with the seal of reprobation. You have declared, like the Romans, that those

* Montesquieu.

days shall ever be called *deadly days*—DIES NEFASTI. You have instituted proceedings against the authors and instruments of one of the most execrable conspiracies which ever dishonoured the human race*.

It is of little consequence to me, that you have spared great criminals; if they repent, I shall forget them;—that you have sacrificed none but obscure criminals;—their sentence is executed, and I am content. When you spared the first, you took care to proclaim that they were innocent of the massacres of the 2d of September; when you punished the last, you declared them guilty of the massacres of the 2d of September; that is enough. But, you punish crime and yet perpetuate it! you put the thief to death, and yet appropriate to your own use the fruits of his theft! you exterminate the assassin, and yet complete the assassination! you devote to the same punishment the man who has committed the pillage, and he who demands restitution! you drag to the same scaffold the man who perpetrated the massacres of the 2d of September, and

* Decree of the 22d June 1795, in twelve articles; ordering all the Criminal Tribunals of the Departments to take immediate cognizance of the murders committed throughout the whole extent of the Republic since the 1st September 1792.

he who escaped from those massacres! What a delirium is this! by what unheard-of prodigy, by what monstrous assemblage does it happen, that at the same instant, in the same act, in respect of the same individuals, the same man should at once be legislator and banditti; judge and accomplice; liberator and tyrant; avenger and executioner? What have you to reply? Have I uttered a word which you can possibly deny? Have I drawn a consequence that you are not forced to acknowledge? And yet you call these *laws*! *salutary laws*! a remedy for anarchy and public misfortune! *Yes*, answers the saviour of Rome and the conqueror of Catiline, *such laws as are made by highwaymen among themselves; such remedies as ignorance or madness kills with* *.

Here then is one other question resolved. Among the defenders of the *murderous clause* of your constitution, I am very sure that I have

* Quid quod multa perniciosè, multa pestiferè sciscuntur in populis, quæ non magis legis nomen attingunt, quàm si latrones aliqua consensu suo sanxerint. Nam neque medicorum præcepta dici verè possent, si quæ inscii imperitque pro salutaribus mortifera conscripserint; neque in populo lex cui-cui moti fuerit illa, etiam si perniciosum aliquid populus acceperit.—*Cicero de Legibus.*

already undeceived all those who were only misled; as to the others, I cannot expect to attract their attention, until I come to treat of their interest. I am very sure, I say, that those who were only misled, have not a doubt remaining of this truth,—“that not only the women, not
 “only the children, but that all the French who
 “have been forced by violence to *abandon* their
 “country, cannot remain on the list of proscribed persons, and that every act which forbids
 “to *except* them, whatever name may be assigned
 “to it, whatever authority gave it birth, *were it*
 “even, to use an expression of Cicero’s, *were it*
 “even sanctioned by the whole people, is essentially
 “null in the eyes of justice. It may doubtless
 “produce a dreadful effect, it may be an *instrument of destruction*, may become a *public pest*,
 “PERNICIOSÈ—PESTIFERÈ . . . But there is
 “neither power, nor submission, nor tyranny, nor
 “servitude, *nor any thing*, in short, *which can*
 “make this act a LAW . . . NEQUE IN POPULO
 “LEX, ETIAM SI POPULUS ACCEPERIT.”

I proceed to consider the case of those Emigrants who may appear to have *voluntarily abandoned* their country; that is to say, of those who were not constrained to quit it by immediate violence: because a man does not *voluntarily*
 forsake

forfake the sun of his infancy, the cradle and the tomb of his fathers, the sanctuary of his family and of his friends, the nourishment of his life, the pleasures of his heart, every thing, in short, which constitutes the pride or the charm of his existence, to traverse barbarous regions, and to seek, in a foreign soil, a spot of hospitable land, where he is haunted by the recollection of the past, lost in solitude, threatened, at least, by indigence; and sometimes relieved, but very rarely honoured, though the latter want is not less imperious than the former. And when the favour of Heaven has given him such a country as France, when only the small number of just and generous men know how to appreciate his sorrows, and the sentiments which these sorrows are insufficient to extinguish; when, in the gulph of misfortune, he meets the same enmity which he had excited in the midst of his prosperity; when his inability to leave that country, all cruel as her conduct has been, his inability to desire her destruction after she has effected his own, is imputed to him as a crime, to suppose that he could *voluntarily* exchange a destiny so pleasing and so peaceful for an exile so bitter, and for struggles so agonizing, is to admit a supposition repugnant to every known principle of the human mind.

And

And let us admit that the man, who sees his neighbour's house in flames, *voluntarily abandons* his own;—ought he not to endeavour to escape from the fire, until it has consumed his own roof and buried him in the ruins? Why should I speak figuratively? Did not the flames of the incendiary extend from one extremity of France to the other? Were not whole provinces repeatedly covered with fire and smoke? Had not the man, whose house had been reduced to ashes, a right to look for another, and was it not his duty to look for one in a country where his family would live in safety, and where incendiaries were not honoured? Had not the man, who saw the flames at his own door, who had been apprized, who believed, or who even suspected, that his turn would soon come, a right to preserve his life, when unable to defend his home? The mere punishment of being a witness to the crime, without being the object of it, would suffice to make a man *abandon* the country in which it was committed with impunity; how then can any legislature pretend to forbid that man to emigrate who is threatened by crimes of every denomination, who is protected by no law, who is defended by no authority, and who has been deprived of the means of defending himself? A single murder unpunished, a single assassin triumphant, suffices

to alarm a whole city; what then must have been the sensation produced by heaps of murdered bodies lying unrevenged, and legions of murderers roaming unrestrained? Ah! it was a man's duty to fly from *Paris* on the 3d, and from *Versailles* on the 11th of September 1792; it was his duty to fly from both places on the 5th and 6th of October 1789; it was his duty to fly from *Avignon* on the 17th October 1791; from *Nismes* on the 17th June 1790; from *Toulon* on the 7th of December 1789, &c. &c. &c. And in what part of France could he remain with safety? On what could he rely for protection? At what distance could he think himself secure? *Collot d'Herbois* and *Freron* sitting at *Paris*, were not so remote from *Brest* and *Dunkirk* as from *Lyons* and *Toulon*. The moment they were seen to fly, with death in their hands, to one extremity, there was reason to tremble at the other. Yes it was a man's duty to fly from France itself when France was under the dominion of *Robespierre*; now the reign of his name was established on the 2d of September 1792, but the reign of his crimes was much older. The day on which *MIRABEAU*, when assassinations were denounced to the Constituent Assembly, called them *trifling contrarieties unworthy the attention of the representatives of France*, and occasioned a resolution

to be passed, declaring, *that there was no ground for discussion*; the day on which that assembly, those legislators, those representatives of the country, those omnipotent and sole arbiters of our fate, inspired by ROBERSPIERRE, MIRABEAU, PETHION, and BUZOT, refused to the pressing solicitations of their just and humane colleagues a decree for restoring vigour to the laws, and activity to the tribunals for the punishment of sedition and rebellion, of murderers and incendiaries*;—from that moment the social compact was broken, the community was dissolved, the country had disappeared: all the sentiments which its memory still inspired, all the sacrifices still made to its shade, were voluntary, were generous; the phantom which had been substituted in its place, had not a right to command any one of them.

Republicans! do not deceive yourselves; I do but repeat your own words. Among such of

* See a motion made on the 23d of July 1789, by M. de Lally-Tolendal, and supported by Messieurs Du Pont de Nemours, Malouet, Mounier, de Clermont Tonnerre, de Crillon, des Mouniers, de Virieu, de Toulangeon, de Foucault, Mathieu de Montmorency, the Bishops of Langres, Chartres, and Dijon; Messieurs le Grand, Emmeri, du Riesbier, several of the clergy, and other members whose names I am sorry I cannot now recollect.

you as, still more just in your hearts than you dare appear in your writings; among such of you as, ceding one part to injustice to secure the other to equity, consent to consider as proscribed *Emigrants* those who left France before the 2d of September 1792; but regard as fugitives merely, who ought to be recalled, all who left it after that epoch; there is one* who has suggested a dilemma to which you have made no answer, and to which you never will answer.

This is the substance of the dilemma to which I allude:—"Either the Government could have prevented these crimes, or it could not. In the first case it was guilty of homicide; in the second, it was impotent: in either case, I have a right either to defend myself against the Government that assassinate me, or to withdraw myself from the Government which suffers me to be assassinated. I may kill whoever seeks

* See pages 11 and 12 of "*Reflections on the French Fugitives after the 2d September 1792, by T. MARCHENA,*" with this motto, *Mibi nec beneficio nec injuriâ cogniti*; printed at Paris, by the widow Gorsas, in the 3d year of the Republic.—See also a work published by M. RÖDERER, on the 21st August 1795, intitled, "*On the Fugitives and the Emigrants,*" a work in which the author's logic is as victorious whenever he undertakes to defend, as it is feeble whenever he thinks himself obliged to attack.

“to kill me, and abandon whoever abandons “me.” Republicans ! endeavour to answer this dilemma, to which I shall again advert. Endeavour to prove, that it is not as applicable to the transactions which preceded the first of September as to those which followed it ; to the massacres at Avignon as to the butcheries at *Paris* ; to the modes of destruction by musquetry in *Languedoc*, as to the means of annihilation by grape-shot in the *Lyonnais*.

But what ! Has the country then no right, the citizen no duty ? Cannot the common mother, when pressed by danger, call all her children to her assistance, retain within her bosom those who wish to forsake her, make those return who have already abandoned her, and reject, after the victory, those who deserted her in the field of battle ? Was that law a crime, then, by which *Solon* devoted to infamy and banishment the citizen who should be guilty only of preferring his own repose to the safety of his country ; who, seeing the state divided between contending factions, should take no part in the contest ?

Certainly I, who still feel as a citizen for those by whom I am considered in no other light than as an object of proscription, and who still attach

ideas of country to the soil, the air, the names, the faces, to the aggregate body of men distinguished by the appellation of *Frenchmen*, living, however, as far as regards myself, in a total annihilation and a complete absence of all right, of all law, of all good faith, of all charity, of every thing, in short, that constitutes a social and civil state,—am far from denying the rights of the country and the duties of the citizen.

But the wants and the illusions of the heart can be of no avail against the decrees of justice and the axioms of truth. I must repeat, that the right to command in the name of the country must depend on the existence of a country; and I have proved to you that, strictly speaking, the country had ceased to be any thing more than a vain name; that, strictly speaking, there no longer existed either a body politic, or a society in France, at the time when so many families were constrained to *abandon* it, and to abandon it solely because they were constrained to do so. Interrogate one of your apostles, or, rather, one of your gods, that JEAN-JACQUES, to whom you have decreed an apotheosis, and you will find him more severe than me. Much less than I require for the purpose would have influenced him to decide that

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the

the country was not only *a vain name*, but a *ridiculous and odious word**.

I shall

* See his *Discourse on Political Economy*. After having established as a fundamental principle, that between a country and its citizens the first duty is imposed on the country, and that, being unable to command love, it ought to inspire it; after having said, that it would not be even worthy to be loved where it did not grant to its citizens what it could not refuse to a stranger; ROUSSEAU adds, "It would be much worse if they did not even enjoy civil *safety*; and if their *property*, their *lives*, or their *liberty* were left at the discretion of powerful men, and themselves deprived of the privilege of appealing to the laws for protection. Then, subjected to the duties of a civil state, without even enjoying the rights attached to a state of nature, and without being able to exert their strength for the purpose of self-defence, they would, of course, be in the worst possible condition to which freemen could be reduced; and the word country would cease to have with respect to them any thing more than a *ridiculous* or *odious sense*. . . . Personal safety is so far connected with the public confederation, that, but for the attention which is due to human weakness, that convention would be lawfully dissolved, if *a single* citizen were suffered to perish in the state who might have been relieved; if *a single* individual were to be wrongfully imprisoned; and if *a single* cause were lost through manifest injustice; for the fundamental conventions being infringed, it is not possible to see what law or what interest could maintain the people in the social union, unless they were retained by *force*, which constitutes *the dissolution of the civil state*," &c.

Instead of *a single* murder having been tolerated, the massacres of Avignon were repeated in twenty different parts of France;

I shall now carry this principle to a much greater extent, and I earnestly solicit your utmost attention.—If France had not been the scene of those disorders, and the theatre of those crimes which have supplied me with such sorrowful, though such powerful arguments; had it been possible to recognize the regular organization of a political body in the confused and jarring elements, in the destructive or inert masses promiscuously heaped together by the constituents of 1791; at least a revolution had taken place; at least, the old social compact had been changed for a new one. The abolition, then, of the one, and the establishment of the other, by changing all the conditions of society, had set all its members at liberty. All and every individual were at liberty either to remain or to withdraw themselves; at liberty, whatever part they might take in the second association, to dispose of the property which belonged to them at the termination of the first. It had been resolved, at all events, to bring us back to that cherished epoch

France;—instead of *a single* unjust sentence, the revolutionary tribunals pillaged, massacred, or threatened, all the inhabitants of France:—And were not then the *fundamental conventions infringed*? Was not the *civil state*, the *social union dissolved* in France?

of the *social compact* of that same JEAN-JACQUES, to the *primitive act* by which a people become a people, to the *choice* which such a people make of a government. Well! this same JEAN-JACQUES, from whom, however, we must not extract all the poison, and reject all his antidotes, this same JEAN-JACQUES declares, that *if the people be not unanimous in their choice of a government, the minority cannot be obliged to submit to the choice of the majority*. He declares that, *a hundred who prefer it have not a right to vote for ten who reject it*. He declares that *the law of plurality of suffrages is itself a conventional establishment, which implies an original unanimity of opinion**. Whence it results, that every Frenchman *who rejected* the constitution of 1791, had incontestibly a right not to declare war against the new body politic, for then he would have rendered himself an *enemy*, and have subjected himself to the laws of conquest in case he had been *vanquished*, but had a right not to enter into the association, and then he rendered himself a *foreigner*, might remain neutral in all the wars in which France might be engaged, might fix his residence wherever he chose, and nevertheless pre-

* Chapter 5 of "*The Social Compact*."

serve over all his possessions in France that inviolable right of property, which justice secured to him, and to which the new constitution itself expressly admitted *foreigners* of all countries*.

Most certainly, PEOPLE OF FRANCE ! it is of very little consequence to the truth of this principle, whether it has been denied or avowed by our enemies. It derives its whole force from itself, and it is placed by itself out of the reach of attack. It may be violated, but not combated; rendered useless, but not doubtful. Still it is a great point gained for us to exhibit our persecutors in a state of constant contradiction, not only with justice, but with themselves.—Well ! do you recollect by whom this principle was unanimously recognized ? By the second National Assembly, called Legislative. Do you recollect by what organ it was solemnly proclaimed in that Assembly ? By the organ of VERGNIAUD. Do

* “ Foreigners, established or not established in France, succeed their relations whether foreigners or Frenchmen. — They may contract, acquire, and receive property situated in France, and dispose of it, the same as every French citizen, by all the means authorized by law.—Their person, their property, their industry, their worship, are equally protected by the law.”—*French Constitution of 1791*, Title 6.

you recollect after what events it was proclaimed? After that Assembly had passed, and VERGNIAUD had dictated, the first decree of proscription against the Emigrants, that decree of *general sequestration* of which I shall soon have occasion to speak more at large. Lastly, do you recollect at what epoch it was proclaimed? Eight days after the 10th of August 1792, when all restraints were removed; when both the sentiments and the affectation of moderation had ceased to exist; when neither power nor force acknowledged any other rule or limit than inclination or caprice. It was in that sea of licentiousness, in that inundation of power, in that first exaltation of the most immense triumph perhaps which the passions ever obtained upon earth; it was then that *the liberty of emigration*, then that the right of *adopting a new country* and retaining one's property in the old one, appeared to be principles so self-evident, that it was deemed impossible to contest them; that it was deemed impossible to maintain that the mere act of emigration was punishable; that it was deemed necessary to acknowledge that it was not so. It was then, that in the bosom of the legislative, victorious, sovereign, omnipotent assembly, purged of *moderationism*, intoxicated with, and still thirsting after, excess, its right was nevertheless proclaimed to sequestrate

sequester the property of Emigrants *armed against their country*, but not that of those Emigrants who had merely *abandoned their country*. Do not take this upon my word, but attend to VERGNIAUD:

“ If you sequestered the property of the
 “ Emigrants, it was not because they had *aban-
 “ doned their country*. If they had had no other
 “ intention than *to adopt a new country*, you
 “ would have allowed them to enjoy, like other
 “ *foreigners who have estates in France*, the pro-
 “ tection of your laws. But they emigrated in
 “ order to form plots, to raise up enemies to the
 “ country which they deserted when she was in
 “ danger. *They took up arms to attack her*.
 “ From that moment the laws could only be in-
 “ voked in respect of them, for the purpose of
 “ punishment.” — (*Speech of VERGNIAUD in the
 Legislative Assembly, Evening Sitting, Thursday,
 18th August 1792. — Moniteur of Saturday
 25th.*)

Did I say too much? Whether it was mistake or malice on the part of VERGNIAUD, in admitting, even at the epoch at which he spoke, only one class of Emigrants; in having represented them all as *forming plots against their country, and*
armed

armed to attack her, is of little consequence; for VERGNIAUD was still less at liberty to change the *fact* than to contest the *right*. But what is of consequence, is VERGNIAUD proclaiming the sentiments of the Legislative Assembly uncontradicted by a single voice; is VERGNIAUD explaining the law of sequestration, of which he was the author; and laying it down as a principle, that this sequestration could only affect Emigrants who were *armed against their country*, while those who had only *abandoned their country*, even with *the intention of adopting another country*, must be considered as *foreigners having estates in France*, and must *enjoy the protection of the laws*. The *right* is acknowledged, and the Emigrants of this last class have nothing more to do than to establish the *fact* that they belong to it. Now this proof may easily be obtained by many of those who had left France at the time when VERGNIAUD spoke, and is already obtained by the whole body of Emigrants who were forced, by the crimes of the Septembrizers, to leave it fifteen days after VERGNIAUD's declaration.

REPUBLICANS! you find all these arguments, I believe, sufficiently conclusive:—Well! do you wish me to give them up? Do you wish me to proceed from hypothesis to hypothesis, until

until I admit, with you, the supposition,—that not one act of injustice had been committed in France after the 4th of May 1789;—that not one act of violence had been exercised, not one threat uttered;—that all the French who *abandoned* their territory, abandoned it voluntarily and gratuitously;—that the country was not destroyed, and preserved all her rights over them;—that, with regard to *the primitive act* which gave existence to the new people, with regard to the *election* of the new government, *it was the duty of the minority to submit to the choice of the majority*; that *a hundred who preferred had a right to vote for ten who rejected*; and that *the plurality of suffrages was equivalent to unanimity*;—that by this means the new association might regard as its subjects all the subjects of the old one, might order them to return to their country, and might even inflict, on such as disobeyed, on such as had merely *abandoned* their territory, the punishment of confiscation, exile, proscription, and death?—Will this admission content you?

Well! now answer the article of your new constitution, which I am about to quote.

No

No law, either criminal or civil, CAN have a retroactive effect.—(Constitution of the French Republic, Article 14, of the Declaration of Rights.)

The Constitution of 1791 had said the same things in more words:—*No one can be punished except in virtue of a law established and promulgated antecedently to the crime, and legally applied.*—(French Constitution, Article 8, of the Declaration of Rights,)

It is needless for me to observe to you, that these two provisions which express identically the same thing, though in different terms, are also to be classed among those which were not created by a new law, but which did homage to a pre-existing and indestructible law, emanated from nature and eternal reason. It is but even justice to the persons who reduced them both into form, to acknowledge that they wished clearly to manifest, by the expressions they selected, that they recognized the law and did not make it.—They did not say,—*No law SHALL HAVE a retroactive effect . . . No one SHALL BE, except in virtue of an antecedent law.*—But they said,—*No law CAN HAVE a retroactive effect . . . No one CAN*

BE, *except in virtue of a law established and promulgated antecedently.* They apprized all legislators, present and to come, that it was IMPOSSIBLE for them to pretend to erect one of their transient and moveable laws in opposition to an eternal and immoveable law; that no moral power can violate it; and that if any physical power should infringe it, the persons who exercised such power would be nothing more than *the banditti* mentioned by ROUSSEAU, *who demands a purse at the corner of a wood, and whose pistol is also a power* *.

Now tell me if it was any thing else than *the power of the pistol* which ordained and which perpetuated the proscription of the French *Fugitives*. Tell me if it was not by *retroactive laws*, that they found themselves, in a moment, banished, their property sequestered, themselves, their wives, their children, and the children of their nephews, despoiled of their estates for ever, and doomed to die if ever they set foot on their native soil? Shew me *a law established and promulgated antecedently*, which announced to the French Fugitives, that such was the horrid com-

* "*The Social Compact*," Book i. Chap. 3. "*Of the right of the strongest.*"

plication of punishments that could be inflicted on them, if they persisted in not returning to their country.

Without plunging into the gulph in which so many victims, and so much property have been swallowed up, and without attempting to draw from thence, one by one, the bloody decrees which you have distinguished by the appellation of *Laws relative to Emigration*, I shall content myself with marking the three principal epochs at which the different legislatures pretended to fix the fate of those whom they called *the French Emigrants*.

For the first, we must go so far back as the last days of the Assembly called Constituent. It had reached the end of its labours. The first title of the Constitution *guaranteed to every man the liberty of going, of remaining, of departing*. This liberty was ranged under the class of *natural and civil rights*; and after the enumeration of those rights, it was declared by an express article, *that the legislative power CANNOT make ANY laws which attack or interpose an obstacle to the exercise of the natural and civil rights included under the present title, and guaranteed by the constitution*. When the text was thus positive, it

was

was not possible that any restrictions, antecedently decreed with regard to the Emigrants, should remain any longer in force. The Assembly, previous to its separation, passed, on the 14th of September 1791, a decree conceived in these terms;—*The National Assembly decrees, that no permission nor passport, the use of which had been established for a momentary purpose, shall in future be required. The decree relative to the Emigrants is revoked; and, in conformity to the Constitution, no obstacle shall in future be interposed to the right which every French citizen enjoys of travelling, without interruption, in the kingdom, and of LEAVING IT AT HIS PLEASURE.* You must acknowledge, that whoever left France after reading this law, and the CONSTITUTION which it quotes, was authorized to believe that he might safely go to the end of the world, and had certainly no right to expect that he would, one morning, find his property confiscated, his person proscribed, and himself afterwards condemned to die, for having exercised *a natural and civil right, left to his discretion, guaranteed by the Constitution, and the exercise of which the legislative power* COULD NOT BY ANY LAWS *prevent nor interpose an obstacle to.*

The second epoch was the fifth month of the Assembly called Legislative; not that it waited so long

long before it opened its career of proscription; but a degree of freedom still left to the royal prerogative, a degree of energy still preserved by the public opinion, had broken, in the hands of the new legislators, the murderous sword, which, to use their own expression*, they had *drawn out of the scabbard* so early as the eighth day of their existence†. This assembly, whose leaders openly boasted of having had perjury in their hearts, at the very moment when the oath was on their lips‡, made the utmost haste to attempt the overthrow of that constitution which they had *sworn to maintain*, to make laws which *they could not* make, and to annihilate others which *they could not alter*. The Constituent Assembly had confirmed, by a solemn decree, *the freedom of religious worship*||; it had declared that the pensions of the deposed priests, *formed a part of the national debt, the funds of which could never, under any pretext, be either refused or suspended*§; it had ordained that *the admini-*

* An expression of *Isnard's*.

† Decree passed against the Emigrants on the 9th November 1791, rejected by the King on the 12th, and the discussion of which had been begun on the 14th of October.

‡ The declarations of *Chabot* and *Cambon*, on the 9th September and 10th November 1792, will be seen in the sequel.

|| Constitution of 1791, Tit. 1.

§ Ibid. Tit. V. Art. 2.

Brators could not interfere with the judicial order*; and that the citizens could not be taken out of the jurisdiction of those judges which the law had assigned to them†, &c.; yet the Legislative Assembly violated and destroyed the freedom of religious worship; outraged and wounded the consciences of individuals; suppressed the salaries of the priests; placed them between the horrors of famine and the remorse of apostacy; created for them impious oaths, unknown offences, special persecutions, marks of infamy, imprisonment, and banishment, to be inflicted by the arbitrary sentence of the directors‡.—The Constituent Assembly had said, *no passport shall in future be exacted*§; yet the Legislative Assembly *exacts* passports from both sexes, from all ages, and for all distances; it *exacts* a kind of description of the person, a stamp of slavery and degradation, which seems to mark the human being as a vile head of cattle§. The Constituent Assembly had said, *no obstacle shall in future be interposed to the right which every French citizen enjoys of*

* Constitution of 1791, Tit. 3. Chap. iv. Sect. 2. Art. 3.

† Ibid. Chap. v. Art. 4.

‡ Decree against the Catholic priests, terminated on the 11th November 1791.

§ Decree of the 14th September 1791.

§ Decree on the subject of passports, 1st February 1792.

*travelling without interruption in the kingdom**; and yet the Legislative Assembly established, for every traveller in the kingdom as many prisons as there were municipalities †; and, on the roads, as many inquisitors and Sbirri, as there were national *gens d'armes*, national guards, and troops of the line ‡.—Lastly, the Constituent Assembly had annexed to the right of travelling in the kingdom, the right of leaving it at pleasure; and it had, on another occasion, declared all petitions to be unlawful, except the petitions of individuals||; yet the Legislative Assembly received at its bar, and admitted to its sittings, deputies who came, in the name of *Jacobin clubs*, to demand collectively that the exercise of a *natural right*, guaranteed by the Constitution, should be punished with death and confiscation §!—And it passed a decree conformable to the petition of the *Jacobins en corps*! And when they saw their works de-

* Decree of the 14th September 1791.

† Article 10, of the Decree on the passports.

‡ Article 8, Ibid.

|| Constitution of 1791, Tit. 1.

§ “The country is in danger; we must declare it, and damn the deserters to die, and confiscate their property.”
Extract from the petition presented to the Legislative Assembly on the 22d October 1791, by a deputation from the fraternal Society of Friends to the Constitution, to whom the honours of the sitting were granted.

stroyed by the interposition of the royal *weto*, they watched for a moment to create a new law, which, though less cruel in appearance than the first, because the word *death* was not literally expressed in it, is perhaps still more unjust and not less horrid, since it imposes a *general sequestration on the property of every Frenchman who had left the kingdom*, under the double safeguard of the general and particular laws.

With a small portion of that conscience remaining which teaches men to respect justice, or of that decency which prevents them from trampling it under foot in the face of Heaven and Earth, they would have made, or appeared to make, a law for the future; they would at least have created the crime before they provided a punishment; they would have signified an injunction, by announcing in what manner a person would be punished who should be guilty of disobedience; and, in fact, in the disposition of the public mind, at that time, those men who were so eager after criminals to destroy, and fortunes to seize, might still have expected to find a tolerable number of them. But they were resolved not to suffer a single opportunity for rapine to escape. They would have been sorry to appear to pre-

serve a single sentiment of morality, or to condescend to subject themselves to a single form of law. In one sitting *, they proposed, discussed, and passed a decree, that is always called *a law*, a *retroactive law*, which changed the past; transformed the most legitimate act into a crime; invaded all the property of absentees; established at one time, in their houses, at another, in the midst of their families, strangers, enemies, despoilers, under the name of *guardians*; broke their seals; betrayed their secrets; stole their title-deeds; and, in short, violated even the last sanctuary of their rights, their thoughts and their affections.

And in order that no characteristic mark of depravity or delirium should be wanting to this total subversion of all morality and of all reason; the Committee of Legislation, which was entrusted with the execution of it, not only neglected to demand the suspension of the *guarantee*, provided by the Constitution for every *natural and civil right*; not only neglected to represent *that decree* and *that guarantee* as being null and of no effect; but, on the contrary, recognized, solemnly and indefinitely, the principle on which these two acts

* 9th of February 1792.

were founded. The Committee declared, by the mouth of its Reporter, that *man is free*,—that *he is a citizen of the world*,—that *he may choose his own country*,—that *if his choice prove bad, he may change*,—that *as his country may reject him, he may reject her*.—Lastly, the Committee declared, that “EMIGRATION, PROPERLY SO CALLED, “DID NOT EXIST WITH REGARD TO FRANCE *.”

But if *Emigration* does not exist, how can *Emigrants* exist? If *Emigration does not exist*, how can a crime *exist* in what *has no existence*? How is that which is not, something, and something which deserves death, even without any previous law to inflict it?

There is no Emigration,—pursued the Reporter of the Committee,—*but there are Rebels who are absent †*.

Rebels to whom? To the law, which permitted them to leave the country *at their pleasure*? To the constitution, which declared that *the legislative power itself* COULD NOT *invade that natural and civil right which every Frenchman enjoyed*? To

* See the speech of the Reporter to the Committee, February 9, 1792;—*Journal of the Debates*, No. 133, page 116.

† Speech of the Reporter, *Ibid*.

you, who now speak to these *absentees*, for the first time, who have never yet issued any injunction in the name of the law, nor promised them any safety if they obey, nor any punishment if they are refractory? To you, who, *on the 9th of February*, imputed their absence to them as a crime, when *on the 1st of February* you told them all that they had a right to leave the kingdom; and enjoined all your magistrates to suffer us to depart, and all your officers *to give us aid and assistance* * ?

But the country is in danger†!—Well, then, apprize all the citizens of this circumstance. Inform them, that, in the course of eight days, the state of France has become so much worse, that, in order to save it, it is necessary to suspend, even the empire of the laws, and the exercise of natural rights.

* See the fifth Article of the law on the passports, February 1, 1792. Apparently treachery had reserved for herself the privilege of inserting an article among those which violence had introduced. Apparently they had, even then, combined to render a residence in France odious, by their vexations, to facilitate Emigration by their passports, and then to convert that flight into a crime which they had rendered necessary by the one, and authorized by the other.

† Speech of the Reporter to the Committee, on the 9th February 1792;—*Journal of the Debates and Decrees*, No. 133, page 116.

But

*But property requires arms to maintain it untouched**.—Well, then, recall the absent arms, and above all, leave property *untouched*; for if you violate it, if you usurp it, it is no longer with you, but against you, that it will be necessary to defend it.

But *they only absent themselves for the purpose of returning to their country, to fight against its inhabitants, to moisten its soil with the blood of their fellow-citizens*†.—Well, then, if a crime be preparing, prepare the punishment. But you cannot punish even such a crime as that before it is committed. So long as it remains unperpetrated, you ought to employ all the means in your power to prevent it. You ought to inform those who have it in contemplation what its consequences will be. You ought, above all, not to impute it to those who never harboured a thought of it. The more enormous such a crime appears to you, the more dangerous you deem it, the more haste you ought to make to appeal to all the French who are absent, the more desirous you ought to be of rallying defenders around you, the more fearful of calumniating innocent men.

* Reporter's speech.—*Journal of the Debates.*

† Ibid.

“Citizens,” you ought to say; “Citizens of
“France, who are now absent from your coun-
“try; you have exercised a liberty given by
“nature, and guaranteed by our laws. But your
“country has just declared that this liberty ought
“to be suspended for some time. Your coun-
“try is threatened; your property is threatened;
“we wish to preserve the one independent, and
“the other *untouched*; for that purpose we have
“occasion for your assistance. Return to us.
“Be ready to take your station in our ranks.
“You are ordered to do this by a new law;—
“a law which is to last as long as the danger; a
“law which will reward your zeal by ensuring
“the preservation of all your rights, or punish
“your disobedience by declaring them to be for-
“feited. This law has fixed a time for your re-
“turn; and has varied that time according to
“the different distances at which you may be at
“the period of its promulgation; it has given
“you the means of proving from what place
“you set out to return to us. Every thing has
“been foreseen; every thing is just; you are
“apprized of every thing; it will henceforth re-
“main with you to fix your own fate.” Oh!
If such a proclamation had been published, the
question would have borne a very different com-
plexion, and perhaps you would have averted
still

still more public disasters than private misfortunes.

But this was not their object. They secretly enjoyed that *Emigration* against which they publicly declaimed with so much vehemence. It supplied them at once with a pretext for the declaration of a foreign war on which they had resolved, and a plea for the seizure of private fortunes which they coveted. They wanted victims and not defenders; they dreaded the presence and not the absence of the proprietors; they objected to the return of those whose *Emigration* they punished. Less than a single morning sufficed to pass the decree for the *general sequestration*; yet the means of enforcing its execution, that is to say, of rendering it more vexatious, were discussed during two months. In vain did several members of the assembly demand a *distinction between those absentees who were open to accusation, and those who were not* *; the Committee, by the mouth of its reporter, had laid it down as a principle, *that it was not necessary to examine whether they were all guilty, but whether they were all absent* †. In vain did BRISSOT,

* Sitting of February 9.—Messieurs *Blanchon* and *Goujon*.

† Same sitting.—*Mercur Politique*.

BRISOT himself, unwilling that so much odium should attach to his favourite law, expatiate, even on the first day of the discussion, on the necessity of exempting from the operation of the Decree *all women and children* *. In vain did M. DE VAUBLANC, more accustomed to be just, attempt to obtain at least a declaration that the crime of an individual should not affect his whole family; that fathers should not be responsible for the Emigration of their children, nor children for that of their fathers †. The galleries, filled with the populace and the Jacobins, swayed this discussion as they did so many others. *The representatives of the French nation had become, like stage-players, subject to the hisses of the spectators* ‡. The voice of M. VAUBLANC was drowned in the murmurs of the mob. The galleries exclaimed, *down with Brissot* ||; as soon as they saw Brissot evince or feign a symptom of humanity §. The

* Sitting of February 9th.—*Journal of the Debates*.

† Same sitting.

‡ Expressions of M. DE VAUBLANC, in the same sitting. *Journal of the Debates*, p. 119.

|| See the *Journal of the Debates*, February 1792, p. 119, No. 133.

§ In the discussion on the passports they had exclaimed to the Legislators, who proposed some modifications of this unjust decree—*Down with the Dogs*. See the *Mercure Politique* of February 11, 1792, p. 126.

impulse once given daily acquired additional rapidity. The more the discussion was prolonged, the more extensive the *law* was made, and the more strongly it partook of the genius which inspired the one, and the force which dictated the other. Some few conscientious voices that were still raised, some few patrons of justice and misfortune*, who had still courage to shew themselves, only served to irritate the hatred without tempering the cupidity of the oppressors. The moment arrived, at which even the cruel Committee that prepared the law appeared too mild to the ferocious galleries that decreed it. It was then, that one of the most servile and most inflammatory demagogues that the revolution has engendered, that VERGNIAUD, whom I just now quoted, produced some new articles, which were preferred to those of the Committee, because they surpassed them in barbarity†. Finally, all the property was seized, and all the proprietors were confounded together. The citizen who had never left France was involved in the same fate with the absentees. Fathers were punished for their children, and children for their fathers. A

* Messieurs Goujon, Bigot, Gentil, Becquet, Broussonnet, Robecourt, and Gerardin.—Sittings of the 5th, 8th, and 21st of March.

† Vergniaud.—Sitting of the 2d of March.

wife was stimulated to become the accuser of her husband; and the means of subsistence was only allowed for herself and her children, on the express condition that they should discover and give up all the property of their exiled father *. To sum up the whole in one word, which escaped at the time from the energetic pen of one of your historians—*The new coup-d'état is completed. It is not a law that the Legislative Assembly has enacted; it is a battery of cannon that it has discharged at its enemies †.*

Yes, I repeat it;—that law of the 23d of March 1792 is more unjust; yes, it is more cruel; yes, while it talks only of *sequestration*, it bears in its intention and in its consequences a *confiscation* and a *death* more certain and more universal than those which were proclaimed in the unsanctioned decree of the month of November preceding.

At least, by the text of that first decree, every absent Frenchman, who had neither held any public place at the time of his departure,

* 13th Article of the Decree.

† This is an expression of *M. Mallet-du-Pan*. It is one of those traits worthy of Tacitus, which we so frequently meet with in all his works on the French Revolution.

nor been inscribed on the list of any Emigrant corps in a foreign country, was spared, and left at liberty to choose the place of his residence. At least, *women and children* could not then incur the punishment nor commit the crime. At least, the parties accused could only be tried by a High National Court; the Legislative Body could only act as accusers; the accusations could only be preferred against individuals. At least, confiscation was only incurred by persons condemned in their absence, was only exercised on their revenues, during their lives, and *without prejudice to the rights of their wives and children**.

But here every thing is involved in the proscription, without distinction of age, sex, or quality; of motives, residence, or conduct. Here the same men, erecting themselves at once into legislators, judges, witnesses, and executioners, presume, in the same minute, to make the law, to create the offence, to pronounce judgment, to execute the punishment on innocent persons, on absentees, on thousands of men individually unknown, but collectively condemned. Here such a rapid advance in the

* See the Decree of the 9th of November 1791, in which all these provisions are to be found.

career of crime, in the space of three months, so much audacity in the violation of those very principles, to which every member of the legislature had recently deemed himself obliged to do homage*, left no man the certainty of remaining safe for a single day. Here the law is atrocious in its threats, and insulting in its promises; retroactive in its application, and eternal in its punishments.

Certainly,—and I have no inclination to conceal the fact,—by a delusive condescension, a diminution of punishment was promised to such of the Emigrants as should return in the space of *a month*. But without noticing the insufficiency of such a term for men who, on the faith of laws, and of the most solemn oaths, had repaired to the very confines of Europe, and many of them to the centre of the American continent; without observing that whoever fled from considerations of personal danger, and was thus reduced to choose between his property and his life, would not fail to obey the first impulse of nature; let me ask what was the only favour accorded to those Emigrants who should return within the

* See the whole debate upon the decree of the 9th November 1791.

term prescribed?—This mighty favour consisted in their admission to be the guardians of their own estates on the account of others, to remain conservators of the *national mortgage* to which their property was subjected for an indefinite term; constrained to pay from that moment the *expences of management*; such as the *provincial directors* should please to fix; immediately *charged with a double tax on land and moveables*; afterwards obliged to furnish such an *indemnity* as the legislative body should choose to regulate, and with which all their property, of every denomination, was to remain charged, not only from the day on which the law was passed, but *from the first of February*; and these * articles were decreed on the twenty-third of March; and all the regulations which might have been made during that interval, in virtue of existing laws, were suddenly annulled, in virtue of a law which did not exist!—and such was the *enjoyment* promised to such of the absentees as should return before the expiration of the months in which the decree was passed!—This is what was called a *preservative law*, and *property untouched*; this was the temptation held out to absent proprietors and citizens, to come and lend the assist-

* 19th, 20th, and 21st articles. Sitting of Friday, 23d March.—*Journal of the Debates*, No. 178.

ance of their *arms*, to *defend* their possessions, which were given up to pillage, and their country, in whose name they were plundered!

Nor was this all;—that grateful *country*, that beneficent *LAW*, announced to such as would promise them submission and afford them assistance, the reward or the favour of being deprived for two years of *the rights of a citizen*, and rendered incapable of holding any public office.

Nor is this all yet;—to render this invitation more tempting, fresh troops of banditti and assassins were let loose upon that *soil* which they were called upon to *defend*. The *red cap* was hoisted. *Pikemen* went to procure the consecration of these wretches by the Legislative Assembly, where *they took the oath* (which was received with transport!) *to purge the earth of all the friends of the king**. They pillaged and assassinated at *Montlery*; they pillaged and assassinated at *Etampes*; they pillaged and massacred at *Dunkirk*; they pillaged, massacred, and laid waste the country, by fire and sword, in *Poitou*, *Provence*, *Dauphiné*, and *Languedoc*. They persuaded the legislative body to honour at least, if not to revenge, one victim out of a

* Sitting of the 11th of February 1792.

thousand,

thousand, because he happened to be a *mayor*. But, in the face of the deputies from *Avignon*, who came in tears to demand justice and security, the LEGISLATIVE BODY solemnly acquitted JOURDAN and his accomplices ;—JOURDAN, THE CUT-THROAT ; JOURDAN, THE MINISTER OF THE ICE-HOUSE !!! . . . *Legislators!* exclaimed the deputies from that devoted city, *we throw ourselves at your feet . . . Listen to JOURDAN, who sends forth his threats from his prison, and who never yet threatened in vain . . . Do you imagine that the inhabitants of Avignon can enjoy any security, when they behold in the midst of them, the assassins of their fathers, their brothers, and their children* ? . . .* The Legislators replied to this appeal, by restoring JOURDAN and his satellites, whom they called THEIR FRIENDS, to liberty† ! by annulling all the proceedings begun against

* Sitting of the 19th of March 1792 ; *Journal of the Debates and Decrees*, No. 173, p. 250. It will be observed, that I quote this Journal, which was successively composed by *Biauxat*, *Louvet*, and *Huguet*, in preference to any other.—At least I shall not be accused of drawing my facts from what are called *sources infected with aristocracy*.

† In the sitting of the 26th of October 1791, ten days after *Jourdan*, *Tournal*, *Mainvielle*, &c. had cut in pieces and crowded together in that Ice-house, men, women, and children ; then throwing quicklime on this heap of victims, some of whom still breathed, closed up the mouth of the in-

against them! by applying to the crimes of the *Ice-house*, committed on the 16th and 17th of October, the amnesty pronounced on the 14th of September preceding, by the Constituent Assembly*. Thus, on the one hand, a penal law received a *retroactive effect* against innocent persons; and on the other, an amnesty was established beforehand for all *future* criminals.

Thus, a *law* of the 19th of March offered encouragement to massacre all the citizens of *Avignon* who remained in the city, and a *law* of the 23d subjected to a sequestration, that is to say, to an universal confiscation, all the citizens of *Avignon* who had quitted the city. Oh! criminal indeed must a man be, to fly from a country so wisely governed, to withhold his confidence from administrators so pure, his submission from legislators so equitable, his allegiance from masters so humane! Oh! how just it is to

fernal cavern; an ambassador from these monsters, calling himself a *deputy from Avignon and the Comtat Venaissin*, said, at the bar of the Legislative Assembly, *They have fought for liberty, they have IMITATED THE FRENCH; and their reward is calumny.* The president replied, "YOUR CONSTITUENTS ARE OUR FRIENDS," and then offered them the honours of the sitting.

* *Journal of the Debates*, p. 251—255.

punish

punish even *women*, who have calumniated, by their pusillanimous fears, an authority so tutelary; who rather chose to *abandon* their country, than to leave their fate and that of their children to the protectors, JOURDAN and TOWNAL, to the liberators of the eight-and-twenty *cut-throats of Avignon*, and the forty *galley-slaves of Chateaufort*!

Well, even with this horrid prospect before their eyes, with this one miserable restriction to the monstrous *law* of sequestration, a great number of Emigrants returned to France within the term prescribed; so natural is it for man to try every thing, to brave every thing, before he submits to the dreadful necessity of renouncing his country! So true is it, that, if equity, good faith, and humanity had been displayed, even at this epoch, late as it would have been, France might still, by the union of all Frenchmen, have been preserved from the calamities which *now* devour it!

We shall soon see what treatment those Emigrants received who returned at that time. I have said enough on the second epoch, which forms a prominent point in the fate of the Emi-

grants; and on the second *retroactive law*, which began their proscription.

It was but right, that the third epoch should belong to the third assembly, which, under the name of *National Convention*, has acquired so dreadful a celebrity. The 10th of August had been followed by the 2d of September. Crime had broken down all the feeble dykes still opposed to it by the law, and had inundated France. A single sitting of the new Convention, or rather a few minutes of that sitting, had sufficed to make the name of monarchy disappear, and to proclaim that of republic: but in fact, there was neither monarchy nor republic; there was a country without laws, a population without society, an assemblage of victims, slaves, and assassins, whom three tyrants, among a thousand others, were disputing the honour of enslaving, corrupting, and tormenting. It was in the midst of such a triumvirate, it was after the massacres of *Paris, Versailles, Rheims, Lyons, Cambray, Angers*, &c. &c.;—it was at the time when those scenes of carnage which, in every part of France, induced all men to fly who could escape from the numerous swords that were suspended over their heads; it was at that time, that,

that, on the 30th of September, was prepared, and, on the 23d of October, was decreed, a second *retroactive law*, which, in the career of plunder and ferocity, left far behind it the decree of the 23d of March, although, in fact, it only completed the work which that had begun. All French absentees, at whatever time they had left the country, those who escaped on the 2d of September 1792, as those who fled on the 14th of July 1789; those who were martyrs to liberty, as those who were called its enemies; the man who planned the war, and he who invited it; all of them suddenly learned that a *collective* decree had just proscribed them in *a mass*; that, thenceforth, they would neither have property, family, nor country; that their estates were irrevocably confiscated; that by writing to their friends or relations, they would send them to the scaffold; and that they themselves would be punished with death, if they set foot on the soil which gave them birth, on that which afforded them the means of subsistence, on that which belonged to them.

Republicans! let me again ask you, what *law*
antecedently established and promulgated had ac-
cumulated so many punishments on the heads of
those

those who should be guilty of the mere act of quitting France*?

Another illegality. The punishment of *confiscation* had been abolished by the Constituent Assembly†. Thus the crime which the Con-

* Even the decree of the 23d of March had not interdicted emigration in future; it had only announced to those who should not return within the month, that their property should remain in a state of *sequestration*, which in fact, legally speaking, is not *confiscation*; and that, *during ten years, they should be deprived of the rights of active citizens*, which is very different from *perpetual banishment*. But they were determined to have none but retroactive laws; to warn would have been to defeat their purpose; their object was to surprise and to punish.

† I have not said, that the Constituent Assembly did no good; I only said, that they had done no good which they had not, by their own measures, rendered impracticable. It was doubtless a great good, among many others, to have abolished that absurd punishment, which was exercised on the inheritance of a man after his death; that iniquitous and barbarous punishment, which chastised an innocent son for the act of a guilty father; that immoral and pernicious punishment, which makes more criminals than it punishes; which, in monarchies, pollutes and corrupts authority; and, in republics, ensanguines and exterminates liberty: *My beautiful country house at Alba constitutes my crime*, said a Roman, astonished at seeing his name on the tables of proscription. *He would make a very amiable traitor*, said an English monarch, who, in going to take possession of his crown, rode over the vast domains of one of his first subjects, who received him with the most magnificent hospitality.—Such is *Confiscation*!

vention

vention punished was a lawful act, and the *punishment* which they inflicted was an act of barbarity proscribed even in the case of a real offence.

I might here propose another new question, invoke another principle quite as sacred as those which I before suggested, and not less solemnly recognized: I might again quote the uniform text of the two Constitutions of 1791 and 1795;—*No man CAN BE tried until he has been heard or legally summoned.* I might then ask you, which of the French fugitives has been *heard*, which of them has been *legally summoned*, which of them has even been *tried*? and I might request you to tell me by what name that power should be distinguished which *tries* without *bearing*, or which punishes without deigning to try? But the injustice, nay the impossibility of comprehending, in the list of proscribed persons, *all the French Fugitives who have not borne arms*, is so fully demonstrated;—all acknowledged principles, laws, and virtues, combine so completely in support of this cause, that an attempt to say all that might be said on the subject would rather injure than serve it. I shall only urge one more argument: and before I advance it, it will be necessary for me to complete my review of the

facts of this *third epoch*, the examination of which I have by no means finished.

I have said, that, on the 23d of October 1792, all the French who were absent from their country, were suddenly informed, that a sentence of perpetual banishment had been passed upon them. —But I was mistaken. The same rule was followed in completing our proscription, as had been observed in beginning it. For the sequestration or invasion of our property, we have seen that, on the 9th of February, a first law had, — to use the language of the day, — *decreed* the PRINCIPLE; and that, on the 23d of March, a more comprehensive law had regulated all the particulars of its execution. For the banishment and the assassination of our persons, they began in the same way, by *decreeing* the PRINCIPLE on the 23d of October, and they deferred to a future day the discussion of the means of executing this prompt and laconic resolution of a new and interminable *Saint-Bartholomew*.

Yet the *principle*, which consecrated the banishment and the assassination of *the Emigrants*, had not even defined what an *Emigrant* was. Hitherto the word *Emigration* had been only understood to signify the act of a man who renounced

nounced his own country, and went in search of another; there to establish his residence, and to carry with him his family, his industry, and his resources. But the Frenchman whose absence from his country was only meant to be temporary, who incessantly sighed to return, who had left behind him all the objects of his affections, and all the means of subsistence; the Frenchman, whom habitual occupations, unforeseen circumstances, the lawful calls of interest, or just and sacred apprehensions, had induced to travel, or compelled to seek an asylum; the Frenchman who had left France, not only under the sanction of the law, but by the express permission of the magistrates;—no man of this description could possibly suppose that the fatal qualification applied to him. Accordingly, all such persons hastened back in crowds; they assured the legislature, that they had never thought of *emigrating*; that they never had wished for, and never would acknowledge, any other country than France; that they only demanded a regular government and protecting laws, and they were ready to swear allegiance to them beforehand. Even, among the multitude of fugitives, who, under the invisible shield of Providence, had escaped the massacres of the 2d of September, there were some, who, rather choosing

choosing to expose themselves to a speedy death in their own country, than to submit to the slow tortures of despairing wretchedness in a foreign soil, had no sooner left France, than they returned thither; and, among the dangers which they had to encounter, never harboured the imagination that the word *Emigration* would be applied to a month's absence.

But they found themselves mistaken: the *Jacobins* were on the frontiers waiting to receive them. Those *Jacobins*, who, taken individually, form the smallest of all minorities, when compared with the numerical population of France; but who, being the only organized federation from one end of the empire to the other, always present, in a single limb, the alarming idea of the whole mass, and the threatening idea of the moveable mass; those *Jacobins*, who, by that very means, constitute the immense majority of the people, and force one half of their victims to torment the other half; those *Jacobins* threw all the Non-emigrant French, who went to claim their families and their country, into dungeons; threw them into subterraneous caves, where, almost without food, frozen, deprived of the use of their limbs, and insulted, they languished five weeks, until it pleased ROBERSPIERRE to

dispose of them.—And how did Robespierre, and those whom he deigned to associate with him in the Empire, dispose of them?

They had already proclaimed to the world (on the 16th October 1792) that one half of the persons who had returned to France, had come from the disbanded army of the Princes, which had been waging war against the Republic. But the *women* and the *children* had not waged war; and, as to the men, there was a sure means of distinguishing the traveller from the warrior, the victim from the enemy, for the Convention were in possession of *the orderly book of the Emigrant army*, and had just caused it to be printed*. Besides, what was more easy than to ascertain the truth of the account which each individual delivered of himself?

But they took special care not to distinguish from the croud those persons whom they accused of having borne arms! In spite of all their hypocritical declamations, in spite of all their fears, and all their affected rage, those were not the men whom they were most eager to attack. Of what consequence to ROBESPIERRE and his

* Decree of 4th October 1792.

clubs,

clubs, were a few *gardes-du-corps*, *gendarmes*, *lieutenants of infantry*, and *piquets of Irishmen or Germans*? It was not *five thousand soldiers*, but A HUNDRED THOUSAND MEN OF PROPERTY, whom they wished to destroy; and in order to do that, it became necessary to confound both sex and age. ROBERSPIERRE had not yet formed all his revolutionary tribunals; he had just been charged anew with the carnage of the 2d of *September*; and he did not yet think himself powerful enough to command another massacre, which must have been more general; he therefore imposed some sacrifices on himself, and submitted to some delay, though it was not very long. A decree was passed, (on the 26th November 1792), which, without distinction of epochs, places, or persons, declared all the French who had returned to be *Emigrants*, ordered some of them to quit the Republic, the others to be conducted to the frontiers between two rows of fusileers, and announced to them all, that in case they were found upon the French territory after the expiration of a fortnight, they would be put to death. The Jacobins caused the decree which they had dictated, to be executed with rigour in every place. A few unhappy beings had the misfortune to escape the researches of the moment. Several towns exhibited the

the extraordinary spectacle of a troop of proscribed persons, led to the frontiers between a double row of bayonets, and followed by a croud of people, who deplored their fate with tears, wished them all comfort, and afforded them assistance*, while ROBESPIERRE exclaimed, "*It is the sovereign people that demand this proscription.*"

It was clear, that the appellation of *Emigrants* would in future apply to every Frenchman, who had quitted, or had even been dragged out of his country; but no law yet explained how the words *emigrant* and *criminal* had become synonymous. At length, after five months had been passed in forming combinations of every kind, after a series of decrees, amounting to twenty-nine in number, which it is impossible to read without blushing at every line, at the idea of bearing the name of man in common with beings capable of such stupid crimes, of such ferocious imbecility, appeared (on the 28th March 1792) the *General and Complementary Law*, which regulated and defined every thing, that is to say,—which, by one article, organizes murder, by a second theft, and by a third the arm to be employed and the division to be

* Particularly at Calais and Boulogne sur-Mer.

made*;—which makes us dead during our lives, in order to deprive us of our property †; and makes us live after our death, in order to take the property of our relations‡; which prepares a new harvest of proscription, by inventing a new species of retroactive emigration;—which stigmatizes as *Emigrants*, not only all the French who are *absent*, not only all the French who have *returned*, but all those who are *actually present*, and who had left France for a single day within the nine months preceding the day on which the decree was passed§;—which, lastly, designates assassination as an act of justice, pillage as a right, and emigration as a crime; and, establishing the distinction which I have noticed between the criminals, consigns to the

* See the tenor of the whole law.

† Article 1. “*The Emigrants are DEAD IN LAW; their property is confiscated to the Republic.*”

‡ Article 3. “*With regard to estates which have fallen by succession to Emigrants in a direct or collateral line since their emigration, as well as to those which may hereafter fall to them; they shall be enjoyed by the Republic for fifty years, and during that term, the co-heirs cannot avail themselves of the NATURAL DEATH of such Emigrants.*”

§ Article 6. “*Every native of France, of either sex, who, ALTHOUGH ACTUALLY PRESENT, cannot prove that he has resided in France, WITHOUT INTERRUPTION, SINCE THE 9TH OF MAY 1792, shall be deemed an Emigrant.*”

same

same punishment those who have ABANDONED their country, and those who have BETRAYED it in the hour of danger*.

Having thus fairly stated the facts, I now come to the new argument which I announced, and which is the last I have to advance. PEOPLE OF FRANCE ! arm yourselves with courage to hear it; I myself have occasion for courage to prefer it. I shudder at my own justification, and at the objects on which I must fix your attention and my own.—We shall see what answer our common tyrants will be able to make.

Thus, then, the crime of us, inoffensive fugitives, in our necessary and melancholy retreat, according to the text of the law and the explanation of the legislators, consists in *having basely abandoned the defence of a country, a great part of which belonged to ourselves, in the hour of danger, when it was our duty to take up arms in its defence*; I omit no part of the accusation†.

* Preamble of the law.

† See, besides the text of the law, the speeches of *Bazire*, *Sédillès*, *La Croix*, and others, whom I shall hereafter have occasion to name, in the *Journal of the Debates*, *The Moniteur*, and other papers of the time.

Let

Let the original authors and actual defenders of this definition, answer the following questions: Is it true, that our enemies, had taken possession of all the public repositories for *arms*? Is it true, that they would never suffer us to approach them? Is it true, that they carefully excluded us from all the new corps which they pretended to levy for the *defence* of the country? Is it true, that seditious tumults were excited, and every act of violence and outrage employed to compel us to quit the ancient corps? Is it true, that, in those *domiciliary visits*, in those *nocturnal invasions*, of which the capital set the first example, we were attacked, one by one, in our sleep? Is it true, that the men employed in this service, rifled our houses from top to bottom, in order to take from us every kind of *arms*, fuses, pistols, swords, *couteaux de chasse*, and even sticks, which had either lead or iron about them? Is all this true?—I defy any one of them to answer, No. But to proceed.—After we had been thus *disarmed*, what did they do with us? What did they do either with those persons of property who had never *abandoned* France, or with those who, having *abandoned* it, had returned, I do not say clandestinely, after the decree of the 23d of October, but legally after the decree of the 23d of March 1792? Let them

them answer me:—Is it true, that men, women, and children were conveyed to prison and led to the scaffold in crowds;—that they were dragged along the high roads, and their bodies mangled;—that they were drowned, destroyed by grape-shot, and cut in pieces?—Is all this true?

Some few persons of this proscribed class appeared destined for a happier fate. More remote from the centre of tyranny, and warned by recent events, the brave inhabitants of *Lyon* had contrived to keep their arms. All Europe saw with admiration the noble use they made of them, in defending their country, and their manufactures; in defending the property and the lives of their fellow-citizens; in defending even the Republic itself, for they made no opposition to the new political system, they only asserted the rights of nature and society, and they only fought against the Jacobins, who disgraced the one and destroyed the other. Three times they had been victorious, and had proved themselves as generous in victory as brave in battle.—Is it true, that the whole force of France was immediately directed against the city of *Lyon*, under the orders of the Jacobins? Is it true, that COLLOT D'HERBOIS was chosen by ROBESPIERRE, and sent by the Committee of *Safety*, to make the walls, the

inhabitants, and even the name of that devoted city, disappear? Is it true, that eight hundred workmen were employed to dig mines under the houses; that a military commission began, by consigning to death twenty victims a-day; that ROBERSPIERRE's lieutenant found *the operation of this mine and the action of this kind of justice too slow**; that after having used the cannon for the purpose of demolition, he employed it as the instrument of assassination; that after having sent thousands of citizens to the scaffold without any other form than that of *asking their names*, he finished by collecting fathers of families, by hundreds, in the ditches of the fortifications, among which number it frequently happened *that not ten had borne arms*; that he there caused batteries of cannon, loaded with grape-shot, to be opened upon them; that, after a triple discharge, *those who were only wounded, were dispatched with spades and pick-axes*?—That, during this time, their wives, with dishevelled hair, and distracted looks, made the air resound with their cries; and, pursued by

* For these and the following details see all the papers of the time; but particularly, *the Report of the Commission of Twenty-one upon Billaud-Varennés, Collot d'Herbois, Barrère, and Vadier.*

the assassins, or stimulated by despair, plunged into the Rhone, and there perished with their infants in their arms?—Is it true, that one of COLLOT's Jacobin adjutants said, in a letter to one of his *brethren**, dated the 13th Frimaire, in the second year, “*The guillotine and the fusil-lade don't go on amiss. Sixty, eighty, two hundred, are shot at a time, and every day care is taken, by the means of new arrests, to supply the vacancies which are thus made in the prisons?*” Is it true, that another adjutant wrote, on the 17th of the same month, to this same brother†, in the following terms,—“*More heads, and every day some heads fall. What delight would you have experienced, if you had been present the day before yesterday, when TWO HUNDRED AND NINE were stricken off by an act of national justice . . . What majesty! What an imposing tone! The whole scene was edifying . . . What a cement for the Republic!*”—Is it true, that COLLOT D'HERBOIS went so far as to sign instructions for the neighbouring departments, which expressly prescribed theft and murder, and in which he said to his manda-

* PILOT to GRAVIER. See the Report of the Commission of Twenty-one. *Pieces Justificatives*, No. 48.

† RICHARD to GRAVIER. *Ibid.* No. 49.

tories,—“Every thing is allowable in men who
 “*act up to the Revolution . . . It often happens*
 “*that those who think they have exceeded their*
 “*object have not yet attained it . . . Every man*
 “*who does not feel his blood boil at the very*
 “*name of opulence, gives the lie to nature . . .*
 “*Act on a grand scale, take from every citizen*
 “*whatever is useless to him . . . Assist us in*
 “*striking a great blow . . . We ought to be re-*
 “*strained by no consideration of age, sex, or rela-*
 “*tionship,—let none but the Sans-culottes be re-*
 “*spected*?*” Is it true, that, to complete the
 measure of his crimes, COLLOT D’HERBOIS at
 last proposed to ROBERSPIERRE and to COUTHON,
 to dismiss the population of Lyon, which still
 amounted to sixty thousand men, that is to say,
 to scatter them cautiously over the surface of the
 Republic, to make them disappear, and then to
 say with truth, LYON IS NO MORE†? Is all
 this true?

Is it true, that what COLLOT D’HERBOIS
 was to Lyon, CARRIER was to Nantes, LEBON
 to Arras, FAUVETTI to Orange, VADIER to
 Pamiers, FRERON to Toulon and Marseilles,
 FOUQUIER-TINVILLE to Paris, and ROBER-

* Report of the Commission, p. 162, &c.

† Ibid. p. 64. p. 27.

SPIERRE and his Committee to all France? Is it true, that the accuser, the president, the judges, and the juries of the Revolutionary Tribunal, established at Paris, on the 10th of March 1793, were condemned and executed on the 7th of May 1794, for the following *facts*?

For having put to death, under the disguised form of a trial, an innumerable crowd of French of all ages, and of both sexes, by means of fabricated plans of conspiracies . . .

For having, in conjunction with certain members of the GOVERNMENT, drawn up plans of reports on these pretended conspiracies . . .

For having extorted from the Committees and from the National Convention, sanguinary resolutions and decrees . . .

For having prepared lists of proscription . . .

For having included in the same indictment, and in the same sentence, persons of all ages, of both sexes, of different countries, absolutely unknown to each other . . .

For having tried, in two, three, or four hours at most, thirty, forty, fifty, and even sixty individuals at a time . . .

For having crammed into the carts that were destined to carry the criminals to the place of execution, men, women, youths, old men, the deaf, the blind, the sick, and the infirm . . .

For having ordered carts to be ready in the morning long before the persons accused were brought to trial . . .

For having omitted to specify in the indictments, the age, professions, and quality of the parties accused, so that the son was executed instead of the father, and the father instead of the son . . .

For having delivered to the clerk blank sentences, which were often filled up with the names of persons who had never been tried . . .

For having refused to hear the prisoners in their own defence, either by themselves or their counsel, and contenting themselves with merely calling over their names, their age, and their quality.

For

For having caused persons to be condemned and executed before the witnesses could appear, or the proofs that were absolutely necessary on the trial could be produced.

*For having passed sentence on accused persons IN A MASS For having proposed to bleed those who were condemned, in order to weaken the courage which they displayed in their last moments, &c. &c. * ?”*

Is it true, that the *Decemviri*, (since that is the number to which you have agreed to reduce the tyrants of whom ROBERSPIERRE was the chief,) finding, like COLLOT D'HERBOIS, *the action of this kind of justice too slow*, were engaged, at the moment of their overthrow, in preparing a *coup-de-main* for the purpose of *purifying the population of Paris*, in the same manner as COLLOT wished to *dismiss* that of *Lyon*; and in devising the means of *purging all the prisons at the same instant*? Is it true, that these plans were found in memorials signed by HERMAN and BARRERE, and *approved* by ROBERSPIERRE? Is all this true?

* See the sentence of death passed upon FOUQUIER-TINVILLE and his associates on the 7th of May 1794.

I may certainly defy any man to deny any one of these charges ; for, without having occasion to invoke the rivers which are still stained with blood, the ruins which are still smoking, the mourning and the lamentations of all France,—they are the petitions of your own Administrators, the harangues of your own Tribunes, the reports of your Committees, the decrees of your Legislators, the sentences of your Judges ;—in short, it is what was said and written by those monsters during their reign, what has been said and written by all of you who dethroned and punished them, that I have literally transcribed.

Well, then, good Heavens ! Will they still dare to declare us guilty for having *abandoned* the country in which such a fate was reserved for us ? A country in which we were placed between JUDGES, who *invented false conspiracies to promote our death* ; MEMBERS OF THE GOVERNMENT, *who, in concert with the Judges, drew up the reports of these false conspiracies* ; and A CONVENTION which armed them both with *sanguinary decrees* ! A country in which all our brethren, who remained or returned, were thus resigned, by the three powers, Legislative, Executive, and Judiciary, to the caprice of all the gaolers,
and

and to the daggers of all the assassins ! A country in which not one of our relations, not one of our friends, not one person of property, not one virtuous man, would have been spared, if the tyrants themselves had not been stopped in the midst of their bloody career ! Will they still dare, by adding derision to ferocity, by insulting reason as well as human nature, to repeat that *we basely refused to take up arms in defence of our country, and our property exposed to danger* ; when, by the basest of all perfidy, they came in the night, during our sleep, to take from us all our *arms*, and that for the express purpose of preventing us from *defending* not only our *country*, not only our *property*, but our lives, but the lives of our mothers, our wives, and our daughters ! And yet, how many of us, even when thus disarmed, rashly braved the *danger* to the last ! How many escaped, by a miracle, from the gloom of the dungeon, and from the hands of the executioner !

Republicans, again answer me ; for 'tis in vain that I endeavour to stop. I feel, that in the discussion of such questions as these, a man must not expect to remain master of himself. I can scarcely breathe. My heart is not vast enough to contain all the sentiments that press upon it ; they must have vent. Woe unto me, if, amidst
the

the burning agitation of my bosom, I should bestow a single thought upon myself! But I see, I follow that swarm of unhappy and innocent persons, despoiled of all that nature and the laws had given them; torn alike from the objects of their affections and the possession of their property; banished from a country which none of them had offended, and to the service of which most of them had devoted their days; still pursued from one asylum to another; given up by perfidy; abandoned by cowardice; rejected by baseness; losing all hope of peace in proportion as that hope is strengthened in the minds of the rest of mankind, and destined soon to find no refuge, but at the extremity of the world. Then all their sufferings, all their anguish, all the varied grief and indignation which they experience, crowd upon my mind, and I say to myself, that, if the gulph of despair is close upon them for ever, if an eternal triumph is to be granted to this prodigy of iniquity, it must be acknowledged that the world was made to become a prey to crime, and that the small number of virtuous men, who are scattered over this sea of enormities, have nothing left but to shut themselves up like Timon in a solitary cave, to break off all commerce with the human race, and

and never to think of men but to load them with maledictions. Republicans, answer me!

What! that pontiff whose knowledge was only exceeded by his virtues*; who, when the Carmes was entered by a band of ruffians, hearing himself called by the assassins, hoped, by the sacrifice of his own life, to spare the lives of his brethren; and calm, with his hands crossed upon his bosom, advanced towards his executioners, who stood petrified for some minutes, and said to them, as his Master had said before,—*I am he whom ye seek!* . . .

What! that multitude of priests, who—some, bending beneath the weight of years, others in the bloom and vigour of life,—left the foot of the altar to follow the bloody footsteps of their first pastors†, and to offer themselves, two by two, to the uplifted swords which sent them to rejoin those numerous martyrs! . . .

What! those three generations of women, whom all Paris saw ascend the scaffold at the same time,—the grandmother, the mother, and

* The Archbishop of ARLES.

† Not only the Archbishop of ARLES, but the Bishop of BEAUVAIS, the Bishop of XAINTES, &c.

the daughter,—distinguished, perhaps, from all the other victims by their total disregard of all worldly affairs, their concentration in the exercise of internal virtues, and their perfect resignation to all the decrees of Providence * ! . . .

What ! that old man of eighty, equally devout, and equally resigned, who, of all his losses, only regretted the means of affording relief to indigence and misfortune, who still shared with them the little he had left, and who was sent to the same scaffold with the partner of his life and of his virtues, without the imputation of any other crime than that of their beneficence † ! . . .

What ! that woman, the honour of her sex, who was not only innocent and pure, but who was innocence and purity personified ; who was not only inaccessible to errors, but whom the passions of the human mind did not even venture to approach ;—that woman, on whom no man had dared to cast a rash look, even at a distance, and whom the arm of the assassin yet dared to seize ‡ ! . . .

* The Lady of the Marechal DE NOAILLES; the Duchess of AYEN, and the Viscountess of NOAILLES.

† The Marechal DE NOAILLES-MOUCHY and his Lady.

‡ The Duchess of BIRON.

What! those two female friends, worthy of heroic times, in whose minds was concentrated all that was noble and good in human nature, and who were sentenced to die solely for having committed the crime of friendship *! . . .

What! that venerable, that aged father, who was on the point of restoring to nature a life, full of merit, replete with acts of public and private beneficence; but who was, nevertheless, deprived of it some few days sooner, because he had committed the crime of giving food to his daughter †! . . .

What! that whole family, so numerous, so united, who were not only pure, but who seem to have been holy, when we consider who was their chief; when we think of that chief, who was sacrificed with them, — of Monsieur DE MALESHERBES, in short; for how can the memory of such a man be duly honoured but by the mention of his name! . . . What! those victims whom I have here mentioned among so many thousands, who have shared the same fate; . . . what! to repeat your own words, that

* The Duchesses of GRAMONT and CHATELET.

† M. ANGRAND D'ALLERAY, Lieutenant-Civil.

innumerable crowd of all ages, of both sexes, of all countries, who have been put to death under the disguised form of a trial for fabricated conspiracies; what! those men; those women; those youths; those aged persons; those deaf; those blind; those sick; those infirm; who were heaped together in carts prepared to convey them to the place of execution even before their trials had begun; those parties accused, of whom the son was executed instead of the father, and the father instead of the son; those of whom the Judges only asked their names, then refused them the privilege of speech; and consigned them to the scaffold;—those who were tried in a mass, and dragged to execution in virtue of a signature affixed beforehand on a sheet of blank paper, or of a sentence in which they were not named:—What! if all these unfortunate beings, had, like us, escaped the fate that threatened them, and were now with us; would you tell them, as you tell us, that they had basely abandoned their country in the hour of danger; that they had basely abandoned the defence of the soil of which a considerable part belonged to them; that they deserved to be punished for such conduct by a general confiscation, by perpetual banishment, by the loss of life if they dared to return? You call the death
of

of these unfortunate persons a crime; you have pretended to revenge it; and to punish its authors and its instruments! and yet, if they had not experienced that death, you would now inflict it yourselves! if they had escaped the sword of ROBERSPIERRE, they would be sacrificed by your own! O my God! What head would not be distracted, what heart would not be torn, by the mere necessity of urging such arguments as these!

PEOPLE OF FRANCE! they will give me an answer. They will tell me that they have expiated the crimes of terrorism as far as they could; that they have hastened to relieve all such of its victims as have survived its rage; that they have themselves been careful to mark the epoch of the *reign of terror*; that they have fixed it at the 31st of May 1793; that all those persons who had, subsequent to that day, *abandoned* the enslaved and desolated territory of France, were recalled immediately after the 9th of Thermidor, that day so famous for the fall and punishment of the terrific tyrant and his principal chiefs.

Yes, doubtless, since that 9th of Thermidor, there have been as many crimes expiated, as many misfortunes repaired as could be. I acknowledge

it;

it; I congratulate you on it; whenever you are just, I shall be anxious to proclaim your justice to the world. I am pleased to find you, at length, admitting that the act of *abandoning* one's country is not an absolute crime; that the criminality of such an act must, in some degree, depend upon circumstances; that where the empire of the law has disappeared, where the empire of terror has been established; the citizen who is threatened; the citizen who is exposed, in a defenceless state, to all the excesses of tyranny; the citizen who flies in despair from his blood-stained home, carries with him a right to protection, instead of committing an offence worthy of punishment. So far, then, we are of the same opinion, as to the effects which *the reign of terror* must have produced in France so long as it continued. But tell me what means that date of the 31st of May 1793, at which you have been pleased to fix its commencement? In that mad rage for passing retroactive laws, did it ever enter your heads, that, when the events were once accomplished, you would have it in your power to change their order by a decree, to fix at one day what had happened on another, and to regulate epochs, according to the dictates of caprice or the suggestions of passion? What, was it only on the 31st of May

that

that the influence of *terror* began to be perceptible in France? Was every thing then quiet, happy, and free, in France, on the 30th? Had nobody *trembled* in France, even so far back as the 2d of September 1792?

What, then, was that event, that unforeseen convulsion, which occurred on the 31st of May, so unfortunately, so suddenly, to interrupt the happiness, the security, the sweet tranquillity, in which, according to your account, France was lulled? After the abolition of monarchy, two factions had contended for the empire, though with very unequal arms: On one side was the *Commune of Paris*, which served as an instrument to ROBERSPIERRE, in the same manner as *Danton, Marat, Collot, Couthon, Le Bon, Carrier, Barrere*, and all men of a similar stamp;—on the other, was the *Faction of the GIRONDE*, led by *Brissot, Rolland, Vergniaud, Condorcet*, and all their disciples. On the 31st of May the dispute was decided. ROBERSPIERRE, who had long reigned without restraint, then began to reign without a rival. He surrounded the Convention with his troops; he caused a decree to be passed against five-and-thirty of the members who were chiefs of the Girondin party, and against the ministers who

were then devoted to that faction. Some of these fled; most of them were arrested and thrown into prison, whence they were taken five months after to be given up to ROBESPIERRE'S tribunal, that is to say, to fall under the axe of the guillotine.

You, perhaps, imagine, Republicans, that I advert with pleasure to the fate of these party-leaders? This is by no means the case. I wish to be just, even to BRISOT. The conduct of the *Girondins*, during the last year of the monarchy, excited horror; but when the Republic was once proclaimed, there were instants in which they almost excited interest. One is almost tempted to believe that, in deliberating together on the means of acquiring power, and on the use they should make of it, their leaders had repeated the favourite saying of CÆSAR:—*Nam si violandum est jus, violandum est regnandi gratiâ; in cæteris virtutem colas.* But these men, in order to reign, had a republic to found instead of one to destroy; and as they knew that a republic could not be established on immorality, they laboured to cast a veil over past crimes, and to put an end to present crimes. They boasted of the part they had taken in the business of the 10th of August, and denied with horror

horror the charge of participating in the massacres of the 2d of September. They had brought the *Marseillois bands* to Paris, and they afterwards sent them to the frontiers, that DUMOURIER might convert their bodies into bridges for his armies. They were, above all, desirous that the rising republic should not be polluted by those horrid enormities, from which you must of necessity separate it if you wish it to last. They had subverted the throne of Louis XVI. but they wished to spare his person. Even when they declared him *guilty*, they thought to acquire a right to mitigate his punishment into *exile*. Even when they durst not pronounce any sentence short of *death*, they still flattered themselves that that sentence would be annulled by an *appeal to the people*. There were some of them, whose natural sensibility triumphed, at that dreadful moment, over all the crimes of policy; there were some who, having witnessed the execution of that sentence which they had sanctioned with their voices, passed whole nights in shedding torrents of tears, in the convulsions of despair. In a word, the existence of the *Girondin* chiefs was divided between acts of wickedness and projects of virtue, between emotions of rage and ebullitions of sensibility. They remained unpunished while their conduct was criminal, and they

they were sacrificed at a time when they wished to return to the paths of rectitude. Their misfortunes were merited, but their condemnation was unjust. Their beginning was infamous, their end heroic, and their death became what their birth had been—a public calamity.

I will go still farther. As, at the epoch of their last struggle, the present absorbed the past; as they talked to their new disciples of nothing but their new plans; as the sole object of their association was the direction of justice and prudence, which they wished, but too late, to give to power and to liberty; as, then, it was the throne of ROBERSPIERRE which they wanted to overthrow, and as their plan was founded in right, and marked by greatness of conception and danger in execution, it resulted from this combination of circumstances, that none but their last precepts and their last moments remained engraven on the minds of their partizans; and that whoever, towards the end of their lives, or after their deaths, became their advocate without having been their accomplice, must now be considered as a truly valuable citizen by all those who, whether they like or dislike the republican government, are anxious that the govern-

ment, whatever form it bears, may have for its basis order and laws.

But notwithstanding all this, it is still certain, that France did not take the alarm until the moment when she saw BRISSOT and VERGNI-AUD sent to prison, and ROLLAND and CONDORCET fly.

If the day on which *five-and-thirty Girondins* were accused, and *two-and-twenty* arrested, proved the existence of the reign of *terror*, what had so many preceding days, so many months, during which the French had been massacred, either with or without accusation, not by *twenties* or *thirties*, but by *hundreds* and by *thousands*;—what did they prove?

Republicans! an idea has just stricken me. It was the *Girondins*, who conquered *Rober-spierre*, after having been conquered by him, that dated the *reign of terror* at the 31st of May, the day on which they were defeated. Suppose the *Jacobins*,—*Dii omen avertant!*—who have been kept under for two years, but who are now too busy, were again to triumph, they would, in their turn, date the *reign of terror* at the ninth of *Thermidor*, the day on which
 K 3 their

their leaders perished; and they would say,—*Terror would never have entered France but for the death of Robespierre!!!*—Can you bear this comparison; and yet can you deny its justice?

Let us have done with all these political lies, which neither serve to deceive ourselves nor others. Let us only acknowledge, that this is the grossest deception that has ever been employed, and return to truths which must be admitted, and to facts which cannot be denied even when they are braved.

Yes, that was a day of terror, on which the National Convention, invested by the satellites of ROBESPIERRE, were forced to pass a decree of accusation against such of its members, as the majority would rather have followed than imprisoned, and in concert with whom they had freely preferred an useless charge against that absurd and ferocious maniac called MARAT. Yes, the 31st of May witnessed a grand development of the tyranny of ROBESPIERRE, and will ever hold a remarkable place in the history of his crimes.

But the *twenty-fourth of April* preceding, when MARAT was declared, by the Revolutionary Tribunal,

Tribunal, innocent of the past, and free for the future; when he was carried in triumph by the people of ROBESPIERRE, from the tribunal which had hastened to absolve him in the midst of the Convention which had dared to accuse him . . .

But the eve of that triumph, when the Jacobins of Paris, by whom it was prepared and arranged, called in a reinforcement of *six thousand Marseillois*, and when it was remembered that they had only employed *eight hundred* for the *massacres of September* . . .

But the *twenty-first of April*, when the prisoners at the *Bouffay* and at the *Castle*, in the town of Nantes, were released, as those at the *Abbaye*, the *Conciergerie*, the *Force*, and the *Carmes*, at Paris, had been, on the second of September . . .

But the *twenty eighth of March*, when, after the installation of those regular assassins, called *The Revolutionary Tribunal*; when, immediately after that *general law* which had just invented a new class of *Emigrants actually present*, all the citizens were forced to denounce themselves, the heads of houses and the fathers of families to de-

nounce their landlords and their children; when it was decreed, that on the walls of each house should be inscribed, in large characters, the names of all its inhabitants, because at that time names constituted crimes, and because tyranny chose to exempt itself from the trouble of a search, and to ascertain, at a glance, the places to which she was to send for her victims . . .

But the *twenty-seventh of March*, when the assembly of *Legislators* established the tribunal of *assassins*, and when the list of *juries* was composed by *Marat*! . . .

But the *twenty-second of January*, when the new domiciliary visits were decreed, which alone produced upwards of *six thousand* commitments . . .

But the eve of that *twenty-second of January*, —but that *twenty-first of January 1793*! . . . When, during six hours, all the streets deserted, all the houses shut, under pain of death, made *Paris* resemble *Herculaneum*, which disentangled, after a lapse of ages, from the volcanic lava, still exhibits entire walls, but not one living being . . . When, in that vast solitude of an immense city, a hundred thousand armed men,
of

of whom eighty thousand were victims, advanced to lead one defenceless individual to the altar of death, and seemed to seek the most profound of deserts to conceal the most horrid of crimes...

When, nevertheless, in the interior of those houses, apparently uninhabited, half a million of human creatures, families assembled without uttering a single word, individuals alarmed at their solitary situations, even authors of the crime that was about to be committed, became horrible in their own eyes, groaned as they watched the silent progress of the murderous battalions, and the lengthened rolling of the fatal car; groaned still deeper when they ceased to hear them; trembling measured the time and distance; shuddered every minute at the thought that it might perhaps be that in which the impious blow would be stricken, then burst into sobs, threw themselves on the ground, and lost the use of their reason or their senses, at the first cry of the cannibals who came to apprize them that they might shew themselves, because the crime was accomplished, and the victim beyond the reach of rescue... PEOPLE OF FRANCE, were these days of terror?

Alas! I have not the power to extend my researches any farther; nor indeed is it necessary.

I will

I will not even go back to the *second of September*. Every thing is included in the *twenty-first of January 1793*. That was the point in which every thing centered, and from which every thing departed. It was to accomplish the dreadful business of that day, that all the crimes which preceded it were committed; it was to support that horrid deed, that all the atrocities which ensued were adopted. But let me ask, whether all these crimes do not exhibit one uninterrupted chain; whether the *thirty-first of May*, far from forming the first link of that chain, is not placed in the midst of, and confounded with, all the other links; whether it does not become almost imperceptible, by being placed between the *twenty-first of January* and the *sixteenth of October 1793**, between the nine days of *September 1792*, and the three days of *July 1794*? Let me ask, how they will contrive to make the *three days* which produced *two hundred victims*†, belong to the reign of *terror*, and the *nine days*, which produced *six thousand victims*, belong to the reign of the law; to make the punishment of **BRISOT** an act of tyranny, and the martyrdom of **LOUIS XVI.** a work of justice?

* The day on which the Queen was sacrificed.

† The 23d, 24th, and 25th of July 1794.

Even among your most enthusiastic Republicans, none that pretend to esteem themselves, or to be esteemed by others, hold a different language from mine, see with different eyes from mine, fix on different epochs, or pronounce different decisions from these which you have just heard.

PEOPLE OF FRANCE, and ye, in particular, Colleagues of BOISSY D'ANGLAS, remember the report, the fine report which he made in the name of your *Committee of Eleven*, at the time of the establishment of your new constitution. He there spoke of the foundation of the Republic with transport; but he took special care not to utter a single syllable that blasphemed the memory of the last king, or that applauded his cruel fate. He there spoke of the *reign of terror* with execration; but as a man, he took special care not to pollute the work that was to transmit his name to posterity,—as a statesman, he took special care not to give to his political institutions the stamp of horror and contempt, by introducing that absurd and despicable combination, that vile and ferocious imposture, which affects to fix the commencement of *terror* in France at the 31st of May 1793. No, no: BOISSY D'ANGLAS clearly proved to you, that THE

FIRST

FIRST MOMENTS of the Republic were polluted by a band of profligate usurpers. He proved to you, that their usurpation was, even then, founded on two powerful bases : THE COMMUNE, mistress of the city in which the National Convention were to assemble; and THE JACOBIN CLUB, the most formidable and the most dangerous, of all political associations. BOISSY D'ANGLAS solemnly proclaimed, and his axioms were consecrated by the unanimity, of your suffrages, that, conspiring together, these two monstrous corporations concerted the massacres of the second of September, in order to establish at once THE EMPIRE OF DEATH, OF TERROR, AND OF CRIME*.

Are these expressions sufficiently clear, are these acknowledgments sufficiently strong? But I shall not stop here. BOISSY D'ANGLAS, or, rather your Committee, speaking through him, told you still more; you must allow me to repeat a whole page of that same report, requesting you to weigh not only every phrase, but every word.

* These are the very words of the report of Boissy d'Anglas, in the name of the Commission of Eleven. Sitting of the 9th Messidor, third year.

“The National Convention,” (said your Constitutional Committee, speaking from the tribune of that same Convention,) “The National Convention, assembled under such dismal auspices, in a city still smoking with the blood of so many victims, and which was, at that time, under the yoke of assassins and usurpers, maintained a painful and unsuccessful struggle against that domineering Commune, strong in the terror which it inspired, in the support of a misguided multitude, and in the combinations of determined villains, who, from the bosom of the National Representation, directed its abominable springs. The Convention were already divided, and their dissensions, fomented by tyrants who wished to enslave them, were the first cause of the dreadful evils which desolated France. . . . Men destitute of principle, inflated with pride, thirsting for blood, kneaded up with gall and perfidy, contrived to profit by these divisions, in order to govern, to irritate, to exalt, to inflame, to exasperate the public mind. The most exaggerated patriotism was the veil with which they covered their designs; the error of the nation supplied their want of strength; the Revolutionary Institutions were their means, and heaps of ruins and of human bodies became the steps which were to lead

"lead them to *the throne* on the ruins of the Re-
 "public. The people, flattered, agitated, in-
 "flamed by them, then began to mistake *mode-*
 "*ration for cowardice*, prudence for artifice,
 "policy for intrigue, *humanity for weakness*,
 "delirium for patriotism, *crime for justice*, and
 "licentiousness for liberty. *In vain did the ma-*
 "*jority* of the Convention wish to prevent that
 "assembly from plunging into the excesses pecu-
 "liar to a government of demagogues . . . The
 "representatives of the people, after an *impotent*
 "*struggle*, overpowered by the efforts of an insolent
 "commune, which had the disposal of the armed
 "force, and by the influence of the popular clubs,
 "all of them affiliated with the *Jacobins of Paris*,
 "the true centre of conspiracies, were *obliged*,
 "in order to preserve the hope and the right of
 "one day saving their country, to yield for a
 "time to the storm, and to *abandon the vessel*
 "*of the state to the winds of anarchy!*"

Well! now talk to me of the 31st of May
 1793, as the birth-day of *terror*. Now tell me,
 that all the victims, who, in 1792, were marked
 by those *monstrous corporations*; that the fugitives
 who escaped from the midst of the *massacres*
 which they had *conspired together*; that the Pari-
 sians who abandoned *a city smoking with blood*
under

under the yoke of usurping assassins; that all the French who fled far from a country in which was established at the same time the empire of death, of terror, and of crime; . . . far from a throne, the steps of which were formed of heaps of ruins and of human bodies . . . far from a people who mistook humanity for weakness and crime for justice . . . far from a national representation, from the bosom of which a small number of determined villains directed the abominable springs of tyranny, while the impotent majority abandoned the vessel of the state to the winds of anarchy . . . Now tell me, that all those who abandoned such a country, and even had the generosity not to think of revenge, ought to be proscribed, banished, massacred, now that justice and humanity have resumed their sway; that is to say, that justice and humanity ought again to disappear, as soon as the innocent and the unhappy come to implore their protection. Now tell me, that that report which was the beginning of your new Constitution, and our proscription which marked the end of it, do not form the most monstrous combination that ever made human reason shudder. Endeavour to prove to me, that the authors of the one are not necessarily the destroyers of the other. Explain to the PEOPLE OF FRANCE, how they are to find it possible that the
same

same men, all *eleven* of them, falling into the same delirium at the same hour, could, all at once, have drawn this constitutional picture of the state of France, *on the second of September 1792*, and have constitutionally proscribed all those persons whom that *second of September 1792* drove out of the country.

But I shall not stop even here. BOISSY D'ANGLAS and his committee could not say all; but I have no inducement to conceal any part of the truth. I will agree with them in fixing *at the first moments of the Republic, the ESTABLISHMENT of the empire of death, of terror, and of crime*:—but I have proved to you, that the commencement of that empire, its progress and its conquests, originated in the unpunished assassinations of LAUNAY, of FLESSSELLES, of FOULON, of BERTHIER, of BELSUNCE, of the Mayor of *Saint-Denis*, of the Gardes-du-Corps, &c. &c. I have proved to you beforehand, that in the same manner in which I have already traced the business of the 21st of *January 1793*, from the transactions of the 31st of *May*, I might now trace the occurrences of this last epoch from the devastations, the conflagrations, the private murders, the general and unpunished massacres, which desolated the isle of France, Provence,

Provence, Flanders, Dauphiné, Poitou, the Comtat, Languedoc, Normandy, Artois, Quercy, Brittany, and all our colonies. I have said, and it is more than ever necessary to repeat the assertion, that from *the first moment* at which the French Revolution became sanguinary and criminal, when it might have been so mild and so virtuous, there ceased to be any such thing as a political and civil association in France. Wherever the property of citizens, wherever the lives and liberties of men were protected, their protection did not proceed from the law, not from the old law which was destroyed, not from the new law which was not established, not by the executive power which was enchained, nor yet by the judicial power which was annihilated; but solely from fortuitous and local circumstances, from public manners which were more or less mild, more or less exempt from corruption in different cantons; but particularly from the disposition of persons in power, who, being the unrestrained directors of an unlimited force, acknowledged no other rule in the exercise thereof, than their own virtues or their own vices. Thus both LA FAYETTE and BAILLI, of whose political conduct different opinions may be formed, were entitled to universal homage, as protectors of civil order: for it was to them, and to them alone, that the in-

habitants of Paris, from the 21st of October 1789, to the month of October 1791, amidst the effervescence of a lawless Revolution, and surrounded by provinces in a state of combustion, was indebted for the enjoyment of that perfect security which marks the most tranquil and most peaceable times. But what was the consequence when LA FAYETTE was succeeded by SANTERRE and BAILLI by PETHION?

If there ever were a moment which seemed to predict the annihilation of *terror*, and the revival of *law*, it was doubtless in September 1791, in the first weeks after the establishment of the new Constitution, when the king's acceptance, received with transport, appeared to have renewed those sentiments of affection between the prince and the people, which had never been banished for an instant from the heart of the former; when, previous to its dissolution, the Constituent Assembly had, in concert with the king, proclaimed a general amnesty; when, throughout the kingdom, the demonstrations of joy which bordered on intoxication, ought to have restored universal harmony and affection. PEOPLE OF FRANCE, if I were not afraid of subjecting myself to the imputation of wishing to catch your favour for myself, at the very time when all ideas
of

of myself are out of the question, I would explain to you with what vivacity I then exhorted the fugitive French to return to their country; to pay a necessary submission to a Constitution that was completed, of which I had been the constant adversary during the whole period of its formation; and of adopting a sincere resolution of candidly trying to devise some means of rendering it compatible with public order and tranquillity. How speedily was the imprudence of my advice demonstrated! With how many reproaches might any person who had followed it have loaded me! At least I should have shared the danger which I should have led them to incur. But the *laws*, with the protection of which I flattered them, no longer existed but by the new *Constitution*; and the ruling legislators in the second National Assembly boasted (as I shall presently prove to you) of having, on the very day of their arrival, laboured to ruin that Constitution. *Laws*, whatever they may be, can only be rendered efficacious by the continued vigilance and action of the executive power; and these legislators boasted of having laboured, on the very first day of their meeting, to enchain the prince in whom that power was vested; of having deprived him, one after the other, not only of all his means of action, but of all his means of safety. They

boasted of having successively assailed him with revolts, deprived him of his guard, confined him in his palace, insulted him in his asylum, forced him from his home, and thrown him into a dungeon. In short, the *amnesty* was the only pledge of security to the expatriated French who might return to their country; we have seen what use the second legislature made of that amnesty; and the third said, *Amnesty is a crime which cannot screen other crimes!*

PEOPLE OF FRANCE, attend to this. It was on the 16th of October 1791, that Louis XVI. recalled the French Emigrants, by a proclamation which promised every thing that his own heart contained—order, justice, peace, and the oblivion of all past injuries; and it was on that same day, that Jourdan converted the ice-house at Avignon into a cistern of blood. The fugitive *Avignonese* received, at the same time, the invitation to return to their country, and the news of the death that awaited them there!

There was a moment in which they had ground for hope. One month after this horrid enormity, JOURDAN and his accomplices were disarmed and arrested, by the energy of the inhabitants of *Avignon*. Admirable effort of respect for the laws!

The Avignoneſe believed them to exiſt, and looked to them alone for vengeance. They did not aſſaſſinate the aſſaſſin of their families. They confined him, with his accomplices, in the ſame priſon which had been the theatre of his crimes, and they aſked for juſtice. During a period of four months they aſked in vain. Already had impunity given birth to new criminals in that unfortunate city, which ſent deputies to carry the ſupplications and the terrors of her inhabitants to the feet of the Legislative Body, . . . PEOPLE OF FRANCE, I juſt now tranſported you to this ſcene, perhaps as dreadful as that of the Ice-houſe; I ſhewed you theſe deputies proſtrated; I made you hear their cries; you ſaw the Legislative Body, inſtead of giving them an answer, let looſe JOURDAN and his troop on the country which they had deluged with blood, and which had called for vengeance on their heads. Do you ſuppoſe that, from that day, more natives of *Avignon* would return to that city than would leave it? Do you think that *the empire of death, of terror, and of crime, had then ceaſed in France?* Do you think that it actually began on the 31ſt of May 1793?

You will ſoon be compelled to acknowledge, that that unfortunate province was far from being

the only one which, at that time, experienced a similar fate: but these particulars belong to another part of my discussion.

Let me conclude. Republicans, I must again quote one of your own authorities, one of the reporters of your Committees. But this man did not stop short, like BOISSY D'ANGLAS. He finished the picture, and revealed the whole truth. Advert to the report of BOURDON DE L'OISE upon BARRERE, COLLOT D'HERBOIS, BILLAUD-VARENNES, CHOUDIEU, and all the terrorists. "For *six years*," said BOURDON DE L'OISE, "FOR SIX YEARS crime has been constantly increasing; *every epoch of the Revolution, every new event, has augmented the ferociousness of these villains. Whoever has once dipped his hands in blood, whoever has pillaged and massacred, has always a wish to massacre and pillage*.*"

PEOPLE OF FRANCE, here you have the duration of *terrorism*, and the character of the *terrorist*. Our tyrants admit, that we had a right to fly from it during the last fourteen months; let

* Report of BOURDON DE L'OISE, on the 24th of May 1795.

them shew us then, that it was our duty to suffer ourselves to be devoured by it during the first four years.

But take care, ye who are now invested with power; ye who, now again placed at the helm of the Republic, were seated there at the same time with ROBERSPIERRE; I shall now address myself to you. You have told us, that all the crimes committed after the 31st of May ought to be solely imputed to that monster; but you have not yet informed us, whether others ought to share with him the responsibility attached to the crimes which he had committed before that epoch; but you have not apprized us by what means he obtained those decrees, by which you enabled him to inflict the blows which he meditated. There is but this alternative: either he extorted those decrees from you by *terror*,—and, in that case, how is it that the *terror* which operates as an excuse for the actions of an accomplice, is not to be received as an excuse for the flight of a victim?—or else he received them from your own free will: and then, what right had you to punish ROBERSPIERRE; with what face could you curse his memory? Take care, I say, if you advance but ever so little, you will place yourselves irrevocably in the last predicament; for now

that ROBERSPIERRE is no more, he can no longer inspire you with *terror*, and those persons who shall perpetuate the execution of his will after his death, will be deemed guilty of having afforded him assistance during his life.

Yes, I say, the execution of his will; and it is now time to give the last blow to this monstrous system of proscription. You now enforce that proscription without even thinking by whom it was originally prepared; you inflict punishment, without recollecting by whom it was ordained. You have even forgotten who was the nominal author of a decree, which has despoiled, banished, destroyed so many thousands of men, women, and children. But I will recall him to your minds; you shall see what tyrant it was that conceived that act of legislation which, to use the expression of one of your most zealous Republicans, *would make the hair of a cannibal stand on end* *.

It was proposed on the tenth day after the opening of the National Convention, and the twenty-eighth after the massacres of the 2d of September. ROBERSPIERRE, in the first moments of his reign, did not much honour the Convention

with his presence or his speeches ; he oftener frequented that Parisian *Commune* which formed his State-Council, and that club of *Jacobins* who were the instruments of his ambition, while they only thought themselves the auxiliaries of his cruelty. Thence he sent his lieutenants to order decrees of those representatives of the French people, whom one of them has represented as having *their necks constantly bent under the sword of the tyrant, and only thinking of prolonging their existence to such time as he should deem it expedient to throw off the mask* *. And who was the man whom ROBERSPIERRE selected from the whole number of his lieutenants to go and order the decree against all the Emigrants without distinction ? You know that at Rome the laws were called by the name of the person who proposed them ; that it was usual to say *the Valerian law, the Appian law, the Pompeian law* ; as they now say in England, *PITT's Bill, Fox's Bill*. Well, then, let the decree against the Emigrants be called *the law of COLLOT D'HERBOIS* !!! Yes, it was COLLOT D'HERBOIS who, in the career of crime, equalled ROBERSPIERRE in imagination, and surpassed him in execution ; it was COLLOT D'HERBOIS who, in the career of assassination, outstripped JOURDAN of *Avig-*

* FRERON's speech.

non; it was COLLOT D'HERBOIS, the banditti, the plunderer, the butcher of *Lyon*; it was he who found *the sight of 219 heads struck off at one time delicious*; he who assembled fathers of families by hundreds in order to destroy them with grape-shot, and to see them finished with spades and pick-axes; he who had not yet enough, and who proposed to his master to dismiss a population of 60,000 men; it was COLLOT D'HERBOIS whom you yourselves accused and convicted of all these crimes, whom you loaded with imprecations, whom you sentenced to transportation to *Guiana*; inspired, perhaps, by an avenging providence, who deemed death too light a punishment for such a criminal: he was the man, he was the Legislator, who, on Sunday the 30th of September 1792, ascended the Tribune of the Convention, and said—

There is a measure which has been long neglected, and which is nevertheless of the utmost urgency.—A decree had been passed by the Legislative Assembly, which consigned all the Emigrants to death. . . . This decree was palsied at the time by what was called the Royal Veto. . . . We must revive it.—But it is not enough to prevent those Emigrants who fight against their country from escaping the sword of the law. . . .

They

They will certainly not escape, and we need trouble ourselves no farther about them.—But there is another species of Emigrants who are waiting for an opportunity to return to France, and who are persuaded that the country will receive them into her bosom; because they have not borne arms against her . . . No, the country will not receive them, or will only receive in order to devour them. . . . She disowns, she rejects, she proscribes them. . . . I move that a decree be passed to consign all Emigrants to death without distinction.*

Thus, whenever crimes and murders became the topic of discussion, COLLOT D'HERBOIS's word, at Paris as at Lyon, for all France as for a single province, was constantly,—*it is not enough!*

And when his motion was made, who were the men that rose to support it?—It was CAMBON, another Lieutenant of ROBERSPIERRE's; CAMBON, against whom, after the fall of his master, you passed a decree of accusation; who fled in consequence; who, even while he lay concealed, meditated fresh crimes; and who was

* See all the Journals of the time, and particularly the *Journal of the Debates and Decrees*.—Sitting of the 30th of September 1792. No. 11. p. 183.

finally

finally declared by you to be *dead in law* in the month of April 1795.

It was that OSSELIN, convicted, before the Revolution, of having committed, in the office of a Notary, the crime of *forgery*, with a view to commit the crime of *theft*; OSSELIN, a revolutionary judge, on the 2d of September, who insulted all whom he massacred; OSSELIN, the instrument, the deserter, and the victim of ROBERSPIERRE.

Both these men repeated the observations of COLLOT D'HERBOIS, in order to improve upon them. They found that *it was not enough* to attain the Emigrants; they insisted that *all the Agents of Emigrants* should be attainted. Cupidity formed a junction with ferocity, or rather revealed its principle and its object; it was moved, that *Financiers, Bankers, Notaries, Companies, or Individuals, whoever had any property or effects belonging to Emigrants in their possession, should be obliged to make a declaration of the same within four-and-twenty hours, UNDER PAIN OF DEATH**.

And when all these propositions united were referred, for form's sake, to the Committee of

* *Journal of the Debates and Decrees*, pp. 183, 184.

Legislation; when, on the day appointed for the half-hour which they deigned to devote to the purpose of discussion, the Committee functioned, by its report, *the law of COLLOT D'HERBOIS, and doomed all Emigrants to death indiscriminately*, what was the consequence? Why the consequence was, that OSSELIN himself could not but feel remorse; that OSSELIN himself inveighed against the word *indiscriminately*, found it *immoral and barbarous**, absolutely insisted that distinctions should be made between the Emigrants, and moved *that another principle should be established on which the Committee should present another plan*.

And the law which appeared *immoral and barbarous* to an OSSELIN is now enforced under the name of a *Constitutional Law*!

But as we every where meet with what Cardinal RETZ so justly defined—*What is ridiculous in what is abominable*—BUZOT started up to soften the law of COLLOT D'HERBOIS. BUZOT also indignantly exclaimed against *the punishment of death pronounced indiscriminately*; BUZOT gave notice that he was going to *reconcile justice with humanity*, and accordingly BUZOT

* *Journal of the Debates and Decrees*, pp. 624, 625.

spoke literally as follows *: “ I distinguish three
 “ sorts of Emigrants; those who are taken with
 “ arms in their hands, those who have fled to
 “ an enemy’s territory, and those who have
 “ taken refuge in a neighbouring country. . . .
 “ That would be a strange law which con-
 “ founded the treacherous, the cowardly, and
 “ the weak.—You must make a distinction
 “ then. . . . On the other hand, if you do make
 “ a distinction, your law will be rendered use-
 “ less, because you will never be sufficiently
 “ informed to apply it without injustice. . . .
 “ If true principles had been adhered to, would
 “ they *all* have been condemned to *death* or
 “ *deportation*? No. . . . The means then of
 “ avoiding despotism is to pronounce a sentence
 “ of *banishment* against *all*, and a sentence of
 “ *death* against *all* who shall return. . . . Then
 “ you violate no principle. . . . You punish the
 “ *traitors* who have raised up enemies against
 “ their country. . . . The *coward* who has left
 “ his country you do not destroy; you reject
 “ him. . . . You expel from the land of liberty
 “ men, . . . *who leave you, at their departure,*
 “ *all that they possess, their property.* . . . Let
 “ them *all* therefore be banished, and let the

* *Journal of the Debates and Decrees*, p. 626.

“man who shall dare to set foot on our territory be punished with death.”

Thus spoke, thus argued Buzot, and I ought to add that I have given his expressions literally. The galleries, who had broken out into murmurs*, when they heard him talk of justice and humanity, applauded him with transport † as soon as they saw him proceed to *banishment* and *death*. COLLOT D'HERBOIS did not conceive that his law would lose any thing by Buzot's amendment, and took special care not to oppose it. DANTON, at that time the friend, and almost the colleague of ROBERSPIERRE; DANTON, that *minister of justice*, who, on the 31st of August, had thrown into prison, against the massacres of the 2d of September, the unhappy MONTMORIN, who had been declared innocent by the revolutionary jury themselves; DANTON, who had then said to the jury and to the counsel, who defended the prisoner that was acquitted—“*The question is not whether he be guilty or innocent; it is whether he be an aristocrat or not.*”—This DANTON spoke after Buzot. With that ferocious jargon, which

* *Journal of the Debates and Decrees*, p. 626.

† *Ibid.*

formed the distinctive character of his eloquence, he said, *When Liberty is in danger, she thirsts for the blood of Tyranny; but while she spreads terror among her enemies, she ought to make laws in a calm; and this law, if the proposition of Buzot be adopted, will become a law in a calm.* Then so calm is he! so much is his thirst for blood quenched! that he identifies the country with himself; and putting himself in the presence of a man who has emigrated from weakness, addresses him thus:—"Wretch, you left me in the day of peril. Well, now keep for ever at a distance. Never appear again upon my territory. It has become a gulph to you. And if you dare to brave the law, let the law cause your head to fall*." At this word gulph, at this image of falling heads, the galleries, transported with joy, ordered Buzot to add his amendment to COLLOT's law; Buzot obeyed, and the question was called for amidst cries and shouts.

A new prodigy then appeared. A voice, overpowering all this noise, reprobated such precipitation in passing a law a thousand times more terrible than the revocation of the edict of Nantes; exclaimed aloud,—*That is impossible; and in-*

* *Journal of the Debates and Decrees*, p. 627.

listened on a more deliberate discussion*.—This voice was the voice of CAMILLE DESMOULINS! CAMILLE DESMOULINS, the man who, in 1789, had complaisantly styled himself—the *Attorney-general of the Lanterne*, was stricken with horror at the proscriptions decreed in October 1792, and declared to be *constitutional* in August 1795.

TALLIEN excites less surprize; on that day he was the TALLIEN of the 9th of Thermidor; but I shall take good care not to lose a single word that he uttered at this famous sitting. “*And I also,*” exclaimed TALLIEN†, “*think it IMPOSSIBLE to close the discussion . . . In the word EMI-GRANTS, you would include old men, women, and children who had been forced by their parents to quit France . . . The word EMI-GRANTS cannot be admitted into this law, for it is the fugitive and rebellious French that you wish to punish, and not mere Emigrants.*” ROBESPIERRE’S militia flew into a rage; the whole house resounded with clamours, and the galleries rose and ordered the law of proscription to be passed. TALLIEN, raising his voice above the exclamations of rage, pronounced this prophecy,

* *Journal of the Debates and Decrees*, p. 627.

† *Ibid.*

"YOU WILE BE ONE DAY FORCED TO ESTABLISH THIS DISTINCTION*;" and he had the courage again to move, that these words, "*the fugitive and rebellious French*," should be substituted for the expression of "*Emigrants*."

BUT ROBERSPIERRE had given his orders, and the discussion already began to appear too long to him. PETHION, who was president of that memorable sitting; PETHION, the Mayor of the 2d of September; PETHION then hesitating between the two parties, and making each of them believe that he belonged to it; PETHION, bearing in himself an equal analogy to the ferocity of COLLOT and the stupidity of BUZOT, favoured the law which resulted from both. He closed the discussion, and in the midst of a noise resembling that of tygers when they have seized their prey, declared, "*The NATIONAL CONVENTION decree, that ALL the French Emigrants are banished for ever from the territory of the Republic; and that those who, in contempt of this law, shall return, shall be punished with death.*" And the report, the discussion, the suffrages, and the promulgation of this decree, had not altogether occupied more than one third of a morning; and

* *Journal of the Debates and Decrees*, p. 627.

in France as out of it, over the whole extent of Europe, or perhaps of the globe; whole generations, and perhaps whole ages were destined to feel the weight and to experience the punishment of this complication of calamities and of crimes thus lightly decided!!! . . .

DIVINE PROVIDENCE! It was thy will that the three principal criminals, COLLOT D'HERBOIS the first author, BUZOT the second editor, and PETHION the supporter and promulgator of that infernal proscription, should be punished in a manner analogous to their crime. As to us, in the unjust and often glorious exile to which they condemned us, there are at least some countries where we meet with a pious commiseration and a friendly hospitality. We are sure of being well-received wherever there exists a feeling heart, and respected wherever there is to be found a noble mind. Our conscience does not forsake us; it renders us superior to the disdain of insolence, and gives us a right to esteem our gratitude as much as generosity can esteem her benefactions. In short, it approves, consoles, and fortifies us. But our three oppressors became *Emigrants* in their turn! they shared no part of that property which they said, with so much complacency, that *we had left them*. The

moment came in which they could no longer find an asylum in that *country* which they had converted into *a gulph for us*. Two of them are no more*; obliged to fly, they retired to those same *neighbouring countries*, to that same *Switzerland* which was then generous and hospitable to us; and as if they thought that their features revealed their crimes, they dreaded the sight of a living being, they avoided the habitations of men, the towns, the villages, and even the hamlets; they became vagabonds, wandering from rock to rock, without a roof to shelter them, without clothing to cover them, and without food to support their guilty lives. Worn out at length by remorse and inanition, they expired with rage and hunger, and their impure remains were found by chance, lying half-devoured in a solitary cavern. The third still lives; but transported in virtue of a decree which was much more applauded than that with which he attainted us;—but more criminal than those who are most criminal;—but condemned to bear the name of COLLOT, which is worse than the mark of CAIN; he must sooner or later, fly from the inhabitants of *Guiana* as his accomplices fled from the inhabitants of *Switzer-*

* PETHION and BUZOT,

land, and prepare for the tygers of America the same food which the others supplied for the bears of Europe.

PEOPLE OF FRANCE! let us now repose an instant together. I have finished my discussion as far as it affects that description of Emigrants who have not borne arms against the Republic. The ancients, at least such of them as remained faithful to the voice of nature and of reason, required, for the conviction of a criminal, proofs *lucē meridianā clariores*. Well! I have opened that day of innocence and of justice *more splendid than the noon-day's sun*, not merely on a single individual, not on a few families, but on whole tribes of unfortunate beings, who formerly constituted a distinguished portion of one of the greatest people in the world. Unfortunately, I could only bring this about by exposing with the same degree of force that accumulation of crimes to which they became victims. Virtuous Republicans! if I have often imparted satisfaction to your hearts, I have also often filled them with anguish. More than once I must have thrown you into a painful state of uncertainty; and, in fact, when the phantom of a Republic is incessantly involved in the developement of such horrid scenes, it re-

quires great strength of mind not to extend our horror to the very name which has been used to legitimate so many enormities. But let us not lose sight of justice, for on justice alone are our hopes placed as well as your own. Let us acknowledge, that as it was atrocious and absurd to appreciate the monarchy of the last race by the butcheries of the first, so would it now be unjust and odious to confound the Republic of 1795 with the Republics of the three preceding years; the tribunals which punish the Jacobins, with those which administered to their crimes; the two councils which make laws, with the Convention which ordained murders. But let us also acknowledge that this last mistake would not be so disgusting as the first; for so long as the proscription of all the Emigrants shall be allowed to subsist, something of the old Republic will remain in the new one. The work which sprang from crime and which engenders crime remains; the work which, incapable of being purified by any mixture, will, on the contrary, corrupt every thing that approaches it, will fix madness in the bosom of wisdom, and reduce that heart to the dreadful necessity of becoming criminal, which, but for it, would have the strongest disposition to preserve or to recover its innocence.

And pay particular attention, PEOPLE OF FRANCE! to that new character of perverseness, which this injustice will henceforth acquire, should they still dare to support it. I had certainly nothing more to do than to collect facts; but these facts were scattered about, forgotten by some, unknown to others, buried amidst the confusion and multiplicity of events, decrees, and revolutions which have successively effaced each other. For a long time the greatest part of our oppressors only recollected that there were proscribed persons, without remembering all the characteristic marks of the proscription; the victims themselves felt their wounds bleed, without knowing what hand had inflicted them. Among the last, vague and enfeebled complaints indicated the exhaustion of despair and almost a forgetfulness of their rights: among the others, there was a regular form of outrage and calumny, which had established a kind of possession; and as it seldom happens, that sounds which perpetually strike the ear do not finish by instilling some prejudice into the mind; as impostors, by the habit of repeating their falsehoods, at last persuade themselves that they are true, so the cruel man, by constantly giving the name of justice to his cruelty, and the qualification of guilt to his victims, may sometimes come to believe

that he is nothing more than severe. But here the whole heap is collected together ! Here all recollections are awakened, all consciences warned, all rights revived. Here the whole system of that horrible proscription, disencumbered from all that obscured it, is displayed in full light. All its parts are connected together. It is seen, it is followed, in its birth, in its means, in its execution, in its consequences. Those who, like you, worthy and wise Republicans ! feel the want of justice in their hearts, and feel it to be necessary for the safety of the Republic, will rejoice to see themselves relieved from the disgrace of being concerned in a crime so manifest and so hideous. They will from this moment exclaim, Let THE LAW OF COLLOT D'HERBOIS be anathematized ! they will no longer invoke clemency, but justice, for every Emigrant who is accused of nothing more than having merely *abandoned* France. As to the men, if men they can be called, to whom COLLOT D'HERBOIS and ROBERSPIERRE have bequeathed their minds and their inclinations, they will at least perceive that in speaking of us in future, they must renounce all those common-place insults, of *Treason*, of *Cowardice*, of *Infamy* ; because it has been clearly demonstrated, that to them alone do those appellations apply, while I, on the contrary, am
pleading

pleading before you, PEOPLE OF FRANCE, for the martyrs of *fidelity*, for them who have carried the *courage* of virtue even to temerity, for beings, in short, of both sexes and of all ages, who, at the risk of incurring greater calamities, resolved to preserve a *pure* heart, and *pure* hands. Yes, whoever ye be, who shall still dare to support the LAW OF COLLOT D'HERBOIS, ye can no longer be either criminal or audacious by halves. Hypocrisy is no longer practicable; I have reduced you to the necessity of using one language; and that language is this:—

“ The LAW OF COLLOT D'HERBOIS was not
“ more congenial to his mind than to our minds.
“ COLLOT D'HERBOIS, CARRIER, LE BON,
“ BARRERE, COUTHON, SAINT-JUST, and RO-
“ BERSPIERRE were our colleagues, our friends,
“ our associates, until they endeavoured to be-
“ come our rivals and our masters. All those
“ whom they put to death previous to the 31st
“ of *May* 1793, were put to death justly; be-
“ cause at that time they executed their projects
“ of destruction in concert with us. All who
“ were put to death after the 31st of *May* would
“ have been put to death with equal justice, if
“ they had not wished to put us to death also.

“ It

“ It is our pleasure to date the reign of *Terror*,
“ not from the day on which we extended it, in
“ conjunction, over all France; but from the
“ hour at which they extended it to ourselves.
“ Now that we have punished their treachery to
“ us, we will pursue the accomplishment of their
“ designs upon you. We will finish the career
“ which we began with them, and which they
“ would still be pursuing with us, if they had
“ been as faithful to their accomplices as they
“ were pitiless to their victims. THE LAW OF
“ COLLOT D'HERBOIS SHALL BE EXECUTED.”

How long can a Republic, in which such language is holden, and such a system pursued, be expected to last? This is a point which I shall examine presently; but hitherto I have only discussed the question of what is *just*, and not that of what is *useful*.

PEOPLE OF FRANCE! it is demonstrated, then, if ever any thing were demonstrated among men; it is a maxim of justice, then, a mathematical truth, that ALL THE FRENCH EMI-GRANTS, WHO HAVE NOT BORNE ARMS, OUGHT TO BE ERASED FROM THE LIST OF PROSCRIBED PERSONS.—Let us now attend to those who
are

are accused of having *betrayed* their country, because they have *borne arms*.

I think I now hear one of those men whom I addressed just now, one of those unfortunate heirs of the mind and inclination of COLLOT D'HERBOIS, groan at seeing me enter upon this new discussion, and murmur, with a concentrated rage, *even in this class he is going to find them all innocent.*

All . . . Heaven send it! And I am very certain that the more names I shall succeed in erasing from the list of proscribed persons, the more favour I shall acquire with those before whom both you and I are now on trial. Yes, PEOPLE OF FRANCE! and you would be offended were I to doubt it; yes, you will bless my efforts the more, you will deem me the more deserving, the more I shall have relieved you from the misfortune of misjudging, from the torment of hating, and from the disgrace of suffering to be assassinated, in your name, so many innocent objects, whom the prejudice of terror and the activity of calumny, whom all your tyrants and all your sufferings must have accustomed you to consider as criminals.

But

But ye whom the idea of crime encourages, and whom the name of innocence alarms, will ye not still accede to this general proposition?—*If it were true, that, in the class of armed Emigrants, there were different descriptions,—if it were true, that, among those different descriptions, there were several in whom the act of taking up arms, was a RIGHT, a MERIT, a NECESSITY, a DUTY, would it not be unjust to confound them with those to whom such act might be imputed as a crime?*

Now, PEOPLE OF FRANCE! I have a series of questions to propose to them, which I dare present to you at the same time as to them: Simple questions, to which I request an answer equally simple.

In a country in which there is no law that protects me, and in which there is a force that attacks me, have I the *right* to employ a force that defends me?

If in such country, a barrier be raised up between me and my field, have I the *right* to leap over it or to throw it down?

If bands of banditti have violated my domestic asylum, and carried off my property, have I the
right

right to assemble a troop of friends, and attempt to recover what belongs to me ?

If I have been expelled, by force of arms, from my house, have I the *right* to make good my entrance into it by force of arms ?

If, after having declared to me, by an act which was called an *Imperishable Law*, that I might leave my country *at pleasure*; if after having forced me to leave it for my own safety and repose, they had punished the mere act of departure by perpetual banishment, by general confiscation, by death in the event of an attempt to return to my native land, would justice authorize me to return, holding in one hand the law which was to guarantee my *right*, and in the other the sword that was destined to defend my life ?

If my family have, like myself, been expelled, banished, despoiled, proscribed, is it a *duty* in me to go and reconquer their habitation, and their means of subsistence ? If they have been immolated, massacred, have I the *right* to inflict vengeance on their assassins ? If I know that they are buried in dungeons, confounded with that *innumerable crowd of French of both sexes*
and

and of all ages, who are daily heaped together in carts, to be executed IN A MASS, under the disguised form of a trial, does justice give me the right, does nature impose it as a duty to call Heaven and Earth to their assistance, to cry out to all governments, and to all men;—Arms! Arms! that I may go and snatch my mother, my wife, my sisters, my daughters, from the knives of the assassins who are going to murder them?

If the affections of nature permit me to indulge my affections to my country; if I am unable to support the disgrace, the slavery, and the desolation of my native land, will it be a merit in me to devote myself to the removal of its shame, the destruction of its tyrants, and the re-establishment of its tranquillity? Have past ages made it a merit in THRASYBULUS, in THRASYBULUS exiled, proscribed, a fugitive, to have returned for the purpose of revenging and releasing his country from the yoke of the *Thirty Tyrants*? Will future ages make it a merit in the *Thermidorians* to have taken up arms to destroy the execrable ROBERSPIERRE, to bury with him the companions of his tyranny, and to close the infernal den of *Jacobinism*?

Lastly,

Lastly, I will suppose that having been unjustly banished by the *Thirty* or by the *Seven Hundred* tyrants of my country; that plunged with my whole family into the abyss of misery, I had been solely indebted, during two years, for their subsistence and for my own to the benefactions of a foreign power; that that power had one day said to me,—“ Here are arms, come
“ and fight with those who have fed you, against
“ those who have starved you; if you refuse to
“ march, to morrow there will be no more
“ bread to be had either for you or for your
“ family.” Would it then be a *duty* and a *necessity* in me to take up arms? Is there a *necessity* for a man to be fed? Is it a *duty* in a son, a husband or a father, to sacrifice himself in order to obtain bread for his aged parents, for his starving wife, or his wretched children?

Republicans! I have demanded a simple answer to these simple questions. No phrases. A mere *Yes*, or *No*.

Ah! I hear the PEOPLE OF FRANCE unanimously exclaim *Yes*, and those who will not join in the exclamation remain silent. The last effort of the most obstinate tyrants would be not to do homage to truth in this instance, not to confess
it

it with their mouths; but no man's lips will dare to deny it, no man's mind will dare to reject it. My principles are established.

Well, then, let us lay down our first inference:—that every French Emigrant who has had the misfortune to bear arms, but who may truly be classed under one of the descriptions which I have just mentioned, is erased by the finger of justice from the book of proscription; for he has only exercised the most imprescriptible of *Rights*, or discharged the most sacred of *Duties*, or acquired the first of *Merits*, or been led away by the most resistless of *Necessities*.

They will all come under the description! again exclaim our persecutors. Take care; for if you say true, if in fact they can *all come under this description*, you cannot attain any of them. For my part, I dare not venture to hope that every one of them will be able to assume the character which I have stated. But in leaving to all the natural and legal right of provoking an inquiry, which, alas! the scythe of destruction has rendered more easy than you imagine, I shall, beginning from the first period at which there were any *Emigrants*, (since that is the name agreed upon,) point out those who, from that

moment and for ever, it will be impossible for me to consider as *criminals*.

PEOPLE OF FRANCE ! I here stand in need of your generosity; and, perhaps, I have some claim to it. Perhaps, the defender who forgets his own interests may be entitled to call upon his judges to forget their prejudices; for, in short, laying aside that character of *Foreigner* to which the Constitution of 1791 had reduced me, and considering myself as a *Frenchman*, I am, myself, one of the victims who made their escape. It was on the eve of the 2d of *September* that Providence released me from the prison of the *Abbaye*,—and may it have preserved me to be, at this instant, one of the feeble instruments of its beneficence!—I have taken no part in the war, and I deprecated, in its principle, the fatal auspices under which it began. Thus you see, that a vulgar address, an egotistical spirit for which it is but too easy a matter to find an excuse in the present times, would lead me to trace out, to strengthen incessantly, the line of demarcation between the two classes of Emigrants, and constantly to return to that 2d of *September*, and if not to devote, which, indeed, would be too disgusting, at least to forget, in my defence, all that class of victims who emigrated before

that horrid epoch. But may the soil of France open and swallow me up, rather than purchase the permission to return to my home by rejecting those who have the same just claims as myself to that indulgence, at whatever epoch they emigrated, or however different the conduct they have pursued since their emigration. Cursed be any one of us, who, lost in the midst of such obscurity, who, bent beneath the weight of so many calamities, shall dare lay claim to exclusive purity for a single opinion, to exclusive interest for a single misfortune, to exclusive reparation for a single injustice! A nation of sufferers is a nation of brothers; and those whom fortune has placed in a less desperate situation; those whom the storm leaves still floating on some scattered pieces of the wreck, become unworthy of being saved, if they do not stretch out their hand to rescue their fellow-creatures who are sinking around them.

FRENCHMEN! a war broke out between the *Romans* and the *Privernates*, which seemed destined to last until one of the two people should be exterminated. Rome ultimately triumphed. Besieged in their last town, the vanquished sued for peace. Their Ambassadors having been introduced to the Senate, the Consul asked them
what

*what chastisement they thought they deserved? That chastisement,—*answered the Ambassadors,—*which Free Men deserve, who, feeling that they had not degenerated from their ancestors, exerted every effort to preserve the inheritance which they had received from them.* The Senate expiated the insolence of the Consul, and rewarded the courage of the vanquished by the restitution of their territory, and by making them *Roman Citizens*. PEOPLE! it is by such means as these that the existence of a Republic is secured; thinking you worthy of such examples, I am now going to review the conduct of one portion of Emigrants who have borne arms, and then to ask you whether these men deserve *the chastisement which is due to criminals?*

There are certain august misfortunes which cannot be approached without trepidation, nor discussed without scruple; misfortunes which we would willingly have averted at the expence of our lives, and with regard to which silent respect is due when effectual relief cannot be afforded: But can I observe a total silence on that glorious race, which was compelled to fly from a country of which it had so frequently constituted the pride and the defence? But could I, without incurring the guilt of blasphemy, attach the name of

N 2

criminals

criminals to those three generations of **HEROES**, who, pursued by so much injustice and ingratitude; who, informed, in their exile, of the *legal* dilapidation of their patrimony, the impious profanation of their trophies, the unpunished murder of their servants; who, finding themselves surrounded, on all sides, by the snares of crime, nobly appealed from the daggers of their enemies to their own swords; especially when they have waged a war, not merely loyal, but sublime; when they have taken pleasure in paying to republican valour the same tribute of admiration which they have known how to inspire by their own*; when they have detested the bare idea of reprisals which you yourselves could not have deemed unjust, but which they have never thought themselves authorized to use; when they have not had a single prisoner in their power, without immediately recollecting that he was born their fellow-citizen; without immediately bestowing on him that magnanimous treatment, which finally triumphed over all the barbarity of the decrees, and restored all the French

* “No, nothing can equal the valour of the French Royalists, except that of the French Republicans,” said the Duke D’ENGHIEN, after a battle in which he had been wounded, and in which his father and grandfather had had their clothes pierced through and through with bullets.

warriors to the native generosity of their characters? Do you think that these men would be entitled to tell you, in the language of the *Privernates*,—" *We had not degenerated from our ancestors?*"

PEOPLE OF FRANCE! Shall I bestow the appellation of *criminals* upon men, for taking up arms against the Revolution, who were the sons, the brothers, the relations, or the friends of LAUNAY, FLESSELLES, FOULON, BERTHIER, MONTESSON, MESMAY, BARRAS, BATILLY, LISTENAY, MONJUSTIN, AMBLY, St. COLOMBE, REUILLY, VOISINS, ALBERT, BONNEVAL, St. JULIEN, VILLARS, CASTELET, LA JAILLE, MAUDUIT, ESCAYRAC, PASCALIS, MASSEY, CLARAC, CHAPONAY, GUILLIN, ROCHEGUDE, DU HAMEL, LA ROCHEFOUCAULT? . . . But I must stop;—for the mournful list would fill a volume.

Shall I stigmatize as *criminals* the relations, the comrades of the interesting VARICOUR, of the respectable MIOMANDRE, of all those heroic victims of the famous 6th of *October* (1789), who, as faithful to the wishes of, as united in their devotion to, LOUIS XVI., rather chose to receive death, than to avert it from themselves by in-

flicting it on others; and whose truly celestial virtue could neither obtain vengeance for their memory, nor justice and security for the objects of their affection and of their sacrifice?

Shall I call that man *criminal* for taking up arms, who was placed under the scaffold, that the blood of his brother who was about to be executed might fall upon his head?—Or him whom I saw wandering about in *Switzerland*, breathing short, his eyes fixed, constantly seeing the palpitating heart of his mangled brother, constantly hearing the cries of a mother whom grief had deprived of her senses?

I have hitherto only spoken of individuals; let us now speak of whole provinces.

God forbid that I should lay before you, for the third time, the agonizing picture of that town erst so fortunate, of that people which were suddenly removed from the protection of the most paternal government upon earth, to be placed under the fangs of the most ferocious tyranny that the world ever knew! Yet I have hitherto only recalled to your minds the scenes exhibited at *Avignon*, for the purpose of justifying the flight of its inhabitants; but attend

closely to all which that city of sorrow suffered, from the first day * on which *Three Hundred* of the principal families left it at the same time, to the last epoch † when a flourishing population of *Thirty Thousand Souls* was reduced to a miserable herd of *Five Thousand* slaves or instruments of Jacobinism; and tell me whether every inhabitant of *Avignon*, who had the power, had not the right to raise up the whole world against the indefatigable executioners of his wretched country?

I have told you that many other provinces experienced the same fate at the same periods and in the same way; attend to these expressions.

At the same periods; that is to say, not only during the two years that were employed in forming that Constitution, which could not, it was said, be purchased too dearly; but during a whole year after the establishment, or, in other words, during the whole existence of that Constitution which was destined, it was said, to establish universal peace and happiness:

* The first massacre in 1790.

† After the absolution of JOURDAN in 1792.

In the same way; that is to say, that these desolated provinces were not only given up to the cupidity of banditti, and the rage of assassins, but to the treachery of those *constituted powers*, from which they were entitled to expect shelter and protection.

These are the two motives on which I must now dwell. They constitute the rule by which the question relating to the *Emigrants* who have taken up arms must necessarily be tried; because endless persecution produces despair; because murder, protected by the law, admits of no other means of defence than arms. It is that which reduces man to a state of nature; it is that which gives him the *right*, that which imposes on him the *necessity* of seeking in force that safety which he can find no where else.

Thus, when I erase from the list of *criminals*, all those *Lyonnais* who have taken up arms, it is not merely because they saw their manufactories destroyed, their estates laid waste, the hospitable mansions of their most generous citizens levelled with the ground*; it is not merely

* See, among others, in the memoirs and proces-verbaux of the times, the complete destruction of the mansion of M. de CHAPONAY, a man, every day of whose life had been marked by some act of beneficence. May 24, 1791.

because

because the venerable GUILLIN * was cut in pieces by the light of the flames which were consuming his country-house; it is not merely because one group of his assassins were apprehended in a wood, as they were running after his wife and children, and another were surprised in a public-house, devouring the limbs of the victim whom they had sacrificed; but it is because the *justice* of the Constituent Assembly suffered those anthropophagi to live peaceably in a temporary prison; because the *clemency* of the legislative assembly turned them loose, in virtue of an amnesty, on the territory of *Lyon*, as they did JOURDAN on that of *Avignon*, and because the liberation of the murderers of GUILLIN announced, even then, the proconsulate of *Collet d'Herbois*.

Thus in *Burgundy*, when, as the first blessed effect of the new Constitution, rectors, old men, and country gentlemen †, who went, with perfect resignation, wherever the *law* called them ‡, were some of them assassinated with knives, others murdered with bludgeons, others stoned,

* 26th May 1791.

† Messieurs de SAINTE-COLOMBE, de DAMAS, de SAINTE-MAURE, the Rector of MASSIGNY, &c.

‡ At the Primary Assemblies.

and

and their limbs carried about in triumph; Thus in *Normandy*, when, after the promulgation of the new national compact, in one day and in one town, eighty-four of the principal proprietors were dragged out of a church, hurried to prison, loaded with insults and with blows on the way, several of them wounded, others massacred on the steps of the altar or in the streets*, every *Burgundian*, every *Norman*, who ran to arms, was absolved by necessity and often justified by duty.

If whirlwinds of fire, if I may be allowed to use such an expression, had, at certain epochs, devoured the inhabitants of *Brittany* and their habitations†, justice and compensation might have been obtained by law; but when a decree, treating these enormities as the effect of a mo-

* At Caen, November 1791.

† See an authentic list of *fifty-five* country seats or habitations of public officers, who, on the 13th of March 1793, alone, and only in one part of *Brittany*, were besieged, pillaged, or burnt. The name of each place and that of each proprietor are specified. M. MALLËT DU PAN with this list answered the impostors or the fools, who then said, and who still daily repeat, that *perhaps, in all France, there might have been eight or ten country seats, of which the windows were broken. It is Robespierre lamenting that ONE innocent person should have perished in the massacres of the 2d of September.*

mentary

mentary error, had just put a stop to all the proceedings begun, and restored the prisoners to liberty *; when another had preferred accusations against the very magistrates of the people, who enforced the preservation of order with a severity that was truly beneficent †; when a second National Assembly had just added to the destruction of property the torment of consciences, so sensibly felt in those religious countries ‡; when a third sent *proconsuls* there, whose cruelty created war, by reducing even the timid inhabitants, and submissive individuals || to despair; could it be suspected, that the same Convention which uttered these last words, would dare apply the name of *criminal* to any of the *Bretons* who fought, no matter where, *pro aris et focis*?

If all the towns in *Languedoc* § had been alternately exposed to the attacks of those ambula-

* Decree of August 9, 1790.

† Decree of February 14, 1791.

‡ See the Journal of that Assembly, beginning at the Sitting of October 21, 1791, at which it was proposed, to confine the priests in a fold, in order to transport some of them, and to massacre, drown, and starve the others.

|| Report of the Committee on the Civil War in the West.

§ Toulouse, Montauban, Montpellier, Nîmes, Alais, Uzès, Semmiers, St. Gilles, Lunel, &c.

tory banditti, who, armed with sticks, and calling themselves *the Executive Power*, insulted the modesty of the women, mutilated and knocked down the men, fell upon the congregations prostrated in the churches, and threw the ruins of the altars at their heads; if more destructive arms had, at twenty different times, deluged these same towns with the blood of their citizens, their magistrates, and their priests*; they might still have been deterred from drawing the sword of vengeance by shewing them that the sword of the law was prepared to do them justice. But when decrees of the legislature pardoned and encouraged massacres; when, making the addresses of *six thousand citizens* disappear before the libels of *four hundred Jacobins*, municipalities the most scrupulously constitutional were interdicted and broken; when, after a new *free* election had been ordained, the electors were expressly forbidden to vote for the magistrate who enjoyed their confidence; when, through fear of not being obeyed, the right of suffrage was taken away from that por-

* *Montauban*, 13 March, 10 May 1790; *Toulouse*, 18, 19, and 20 April 1790; *Nîmes*, 29 March, 3 and 4 May, 13, 14, 15, 16, and 17 June 1790; *Uzès*, February 1791; *Béziers*, February 1791; All *Vivarais*, May 1791; *Montpellier*, *Nîmes*, *Uzès*, *Alais*, November 1791, &c.

tion of citizens who had a better claim to it than any other *; when equally protected by the second legislature, but vanquished in the primary assemblies, the armed Jacobins violated the sanctuary of election, seized the lists of voters, which in some places they threw into the fire, and in others drowned in blood, pointing cannon against one house, shooting old men and women in another, suspending at the door of a third the head of its murdered master †; when not only noblemen and men of wealth, but whole towns were disarmed and abandoned, without defence, to the mercy of their executioners; when in one day *six hundred families* emigrated from *Montpellier*, what just man could deem them *criminal* for having taken refuge in a camp? What virtuous man would not have supplied them with arms in lieu of those which had been taken from them by force?

I shall take still more particular notice of *Provence*, because, independently of her

* Decrees of the 11th of May, 17th June, 26th July, 7th September, 23d November, 31st December 1790; 26th February 1791, &c.

† See the letter written from *Montpellier* on the 17th November 1791, inserted in the *Mercur Politiq*ue of the 10th of December following.

towns * smocking like those of *Languedoc* with fire and blood, protection was there granted to the assassins and incendiaries, probably with a more open disregard of decency than any where else. There, every proceeding begun against the enormities that had been committed was despotically annulled. There, the indictments were forcibly taken from the judges who were proceeding to try them conscientiously, in order to carry them before other judges, who tried them in what was called *a revolutionary way* †. There, the National Assembly dared to send a solemn decree, expressly requiring, that *after the parties accused had been examined, the proceedings should be sent to the Committee of Research, and the judgment suspended until that Committee had made known its decision on the cause* ‡. There, on reading the evidence, which carried conviction in every line, another decree was sent to finish the whole business, by setting all the culprits at liberty ||. There, in short, as throughout the South of France, by a rapid succession of unpunished

* *Aix, Marseilles, Arles, Toulon, Grasse, &c.* August and December 1789, February, March, April, May, August, September, December 1790, January 1791, August 1792.

† Decrees of 8th December 1789, 30th January, 18th March, 7th August, 25th September 1790, &c.

‡ Decree of 25th January 1791.

|| Decree of 21st May 1791.

crimes,

crimes, the blood still flowed under the daggers of the assassins at the approach of the famous *Tenth of August* *. There, the Legislative Assembly, instead of endeavouring to repress the *Marseillaises* bands, solicited them as a favour to send an auxiliary detachment, which, within three hours after its entrance into Paris, had assassinated some of the National guards of the metropolis †.

I said at the *approach*, but I ought to have said, on the *eve*, of the *Tenth of August*. PEOPLE OF FRANCE! deign to fix your attention on that epoch which will soon be proved to be of great importance.

I shall not extend my list of the provinces ‡ which were a prey to that execrable anarchy. I will not recall to your minds all the particulars of those gibbets with which the fields and roads were covered; those papers which were affixed to them, bearing the inscription of, *receipt in full for rent*; those *illuminated mansions*; those

* 14th of July 1792, at *Alais*, 21st at *Bordeaux*, 22d at *Marseilles*, 25th at *Arles*, 5th August at *Toulon*, &c.

† At the *Champs Elisées*, and in the *Rue St. Florentin*, 30th July 1792.

‡ *Dauphiné*, *Franche-Comté*, *Périgord*, *Angoumois*, *Poitou*, *Quercy*, the *Limousin*, *Touraine*, &c. &c.

tortures of every kind by which the renunciation of their rights and the surrender of their title-deeds were extorted from the proprietors; the National Assembly finishing by preferring the invitations of ROBERSPIERRE to those of LOUIS XVI. *, and the Constitution itself tearing open all these wounds instead of healing them, completing all these losses instead of repairing them, offering to all that class of peaceable proprietors, of beneficent, ruined, threatened, fugitive proprietors, an insult instead of a compensation, an amnesty instead of an asylum; that is to say, an encouragement to the banditti to renew their atrocious proceedings, and a means to the new legislature of seconding them. I will not add to the list of physical evils and dangers the long series of moral pains, affronts, calumnies, agi-

* LOUIS XVI. had invited the Constituent Assembly to imitate the generous conduct (1) of the city of London, which, at the time of Lord GEORGE GORDON's sedition, indemnified the proprietors for the houses which had been burnt by the mob. ROBERSPIERRE simply said, *I invite the Assembly to treat the people who burn the country-seats with mildness.*—*Do not profane the name of people,*—exclaimed M. D'ESPREME-NIL,—*say, the banditti.*—ROBERSPIERRE coolly replied—*I will say, if you choose, the citizens who burn the country-seats.* (Sittings of February 1790.)

(1) It is almost needless to observe to an English reader, that the author here mistakes the enforcement of a positive law for an act of generosity.—*Translator.*

tation,

tation and sorrows, capable of rendering life far more dreadful than death. I fear I have said too much, although it did not become me to say less. Alas! let not any body suppose that I delight in recrimination, or take a pleasure in contemplating such pictures as these! I only look forward to the day when it will be possible to banish them from my mind, and to consign them to eternal oblivion. But so long as the victims are treated as criminals, it is necessary to prove that they are victims, and innocent victims.—So long as war is declared to be the work of the *Emigrants*, it is necessary to shew on which side the aggression lies, and on which side the defence. It is necessary to demonstrate by evidence that there are, at this time, men condemned to die, by judges who shudder at the sentence they pronounce, for having defended their lives against triumphant assassins.

PEOPLE OF FRANCE! we are at length arrived at the *Tenth of August* 1792.

You have seen that on the eve of that memorable day, there was neither liberty, property, public nor personal security in France; on the contrary, tyranny, usurpation, and constant and ferocious aggression were established. Permit

me to advert to this epoch. On the 22d of July, a WOMAN * was torn into pieces, and her head carried about in triumph on the end of a pike. On the 5th of August, all the Members of a DIRECTORY, to the number of nine, were assassinated together, for an attempt to maintain the laws †. On the 8th of August, not the Minority, but the Majority of the REPRESENTATIVES OF THE NATION were attacked with *stones, knives, and sabres*, for having repelled an unjust accusation ‡. On the 10th of August, THE NATIONAL ASSEMBLY was reduced, by the influence of terror and of threats, from *Seven Hundred and Forty-five Members to Two Hundred and Eighty-four* ||.

But, during this time, where were the French who had been driven away, or who had effected their escape from this wretched scene of rapine and cruelty; who, with the most lawful vengeance and rights to exercise, not merely abandoned, but oppressed, by the law, only expected safety and justice from the power of arms? And what had these men done at the epoch of the *Tenth of August 1792*?

* Madame GAILLARD at *Marseilles*. † At *Toulon*.

‡ See the *Moniteur* of the 11th of August 1792, No. 224.

|| *Procès-Verbaux*.—*Historical recital of the Revolution of the 10th of August*, p. 242.

PEOPLE OF FRANCE ! I claim your attention. THEY HAD NOT YET TAKEN THE FIELD ; THEY HAD HITHERTO DONE NOTHING.

DONE NOTHING ! What ! Had they not armed foreign powers ? What ! were they not the cause and the object of the war ? What ! was it not through them and for them that the conflagration which now consumes both hemispheres was enkindled ?

No, PEOPLE OF FRANCE ! and it is time to correct an error in which you have been studiously kept, in order that the name of *Emigrant* might remain in your minds, attached to each sacrifice, to each grief, to each vexation, to each punishment which the law might bring down upon you ; in order that your resentment, diverted far from the real authors of your calamities, might be exclusively directed against your predecessors and your companions in misfortune ; in order that your sufferings might be rendered instrumental to the views of your tyrants in cherishing your hatred against their enemies ; in order that your own losses might give you an interest in the losses of others, whose spoils were represented as the only possible indemnification you could expect.

It is time that you should know to whom this war is to be imputed, which, in four years, has consumed more than twenty-five times the amount of all your specie, and more than thirty-three times the amount of the whole territorial revenue; which has plunged you, not into rivers, but into seas, of blood; has devoured one eighth of your population; has produced, in short, more crimes at home than victims abroad; and, by the side of every trophy consecrated to victory, has erected a monument to misfortune.

FRENCHMEN! if you wish to believe the truth, rest assured that the JACOBINS ALONE brought on this war, that they ALONE declared it, and that they ALONE wish to continue it.

Observe, so early as the 20th October 1791, BRISSOT, at that time a Jacobin*, in the Tribune of the Legislative Assembly, which scarcely existed. Already, in the midst of provocations, outrages, and threats, he said to his colleagues, "*You ought either to avenge your glory, or to*

* The schism between the *Jacobins* and the *Girondins* was not formed till more than a year after. Hitherto an unity of *dogmas, practice, and object* had prevailed between them. The *Girondins* were at best but a private congregation in the Great Church.

"condemn yourselves to eternal dishonour." He said to them,—"*You must not only defend yourselves, you must begin the attack.*"

No doubt he reckoned, among the subjects of his complaints against Europe, the hospitality afforded, in certain places, to *the French Emigrants*: but this was confounded with twenty others which he represented as more important *. BRISOT himself spoke with disdain of the Emigrants and their leaders; he himself said that *their nullity would soon be rendered manifest*;—that *the Emperor stood in need of peace, and only played the warrior*. The Members of the Diplomatic Committee, the oracles of that Assembly, on all matters of public law and foreign connections, KOCH, RHULL, and BRICHE, incessantly affirmed, "that there was no army of Emigrants either at *Worms*, at *Coblentz*, or in the *Netherlands*; that the CARDINAL DE ROHAN'S

* A letter in which the KING OF SPAIN had still ventured to call LOUIS XVI. a *Sovereign*. A pension which the Courts of *Naples* and *Russia* had granted to a nobleman, who had formerly been a French Ambassador. The protection and asylum afforded by the KING OF SWEDEN to another person in a similar capacity. A punishment inflicted by the State of *Berne* upon some of its subjects for an offence committed on its own territory. Some conduct of the QUEEN OF PORTUGAL and the KING OF SARDINIA, which BRISOT said was *too well known*, but of which he entered into no explanation, &c. &c.

“ army only consisted of *Six Hundred* men, who
 “ performed their exercise with sticks, were lodged
 “ in the open air, ill drest, and ill paid, with
 “ the younger MIRABEAU at their head: that
 “ the army of MONSIEUR DE CONDE consisted
 “ of *Three Hundred* gentlemen and as many
 “ grooms without arms, that all this, then,
 “ amounted to nothing more than a *Papal Army*
 “ and an *Opera Fire* *.” With a more imposing
 tone, the Minister for Foreign Affairs had de-
 clared, on his responsibility, “ that in the Bel-
 “ gic Provinces the Emigrants were not permit-
 “ ted to assemble; that the government of
 “ *Bruxelles* had even redoubled its precautions
 “ within a short time, in order to avoid giving a
 “ pretext for considering the hospitality afforded
 “ them as a mark of hostility; and that, even
 “ at *Coblentz*, the Emigrants were not allowed
 “ arms †.”

All this was true, proved, acknowledged: no
 matter; BRISSOT and his followers were still de-
 termined on war, upon this principle, “ that a
 “ private individual might despise these trivial

* See the fittings of the 26th October and 27th November 1791.

† Report of M. DE MONTMORIN, fitting of the 31st October.

“ affronts;

“affronts ; but that it was unworthy the majority of a free people to suffer a factitious volcano in its neighbourhood to incommode it with its “smoke.” And this reason was deemed decisive ! and every pains was thenceforth taken to find out whatever could irritate, *provoke*, prevent a reconciliation between Frenchmen, and force a rupture with foreign powers !

Some Members of the Assembly, who delivered their sentiments with candour, thought to extinguish these firebrands by the coolness of reason and the calm of justice. They represented to their colleagues, that *Emigration was lawful**, and the Constitution placed beyond the reach of attack† ; that millions of armed men had nothing to fear, and that the subject would not even admit of discussion‡. BRISSOT did not attempt to deny the justice of these remarks ; he did not contradict these constitutionalists on principle, who had positively told him, that

* *Emigration is lawful ; we have no right to condemn intentions : stay till they attack us. Any other conduct will be unjust and violent.*—M. RAMOND, sitting of the 20th October 1791.

† *The Constitution is placed beyond the reach of attack ; the means of victory are to be found in obedience to the laws.*

M. DAMAS. Ibid.

‡ M, DU BOIS DU BAY. Ibid.

there was not the smallest danger *. Instead of confuting this proposition, he confirmed it; and represented the Emigrants at Coblenz as mere knights errant, as blockheads duped by LEOPOLD. He repeated, that it was of the utmost consequence to the Emperor to maintain his connexions with France. He openly declared that the Coalition, that the concert of Powers was a chimera; then, in order to make it real, he insulted them with more fury than ever. He lastly reduced his whole system of policy into these two phrases: *In short, we must have gold to pay the troops . . . France must have a war to re-establish her finances and her credit* † !

But the matter did not rest here. One of his most furious disciples rushed into the Tribune, and there, in a paroxysm of convulsive eloquence, uttered these remarkable words: “ Al-
“ though we have destroyed the Nobility, that
“ vain phantom still terrifies pusillanimous
“ minds.—It was the impunity which great
“ criminals had long been suffered to enjoy that
“ first converted the people into executioners.

* M. DU BOIS DU BAY. *The Constitution is placed beyond the reach of attack; the means of victory are to be found in obedience to the laws.*

† Sitting of the 29th December 1791.

“ YES,

“YES, THE ANGER OF THE PEOPLE, LIKE THAT
 “OF GOD, IS TOO OFTEN NOTHING MORE
 “THAN A TERRIBLE SUPPLEMENT TO THE
 “SILENCE OF THE LAWS* !” . . . And yet they
 were enraged with the Emigrants for not suffering
 these soft words to stop them in their flight,
 or to recall them from their exile ! And while
 they vomited forth such imprecations against
 them, and such threats, threats which had almost
 daily been executed in some place or
 other, which, but a fortnight before, had been
 executed in the Ice-house at *Avignon*, they
 called those men criminals who wished to stifle
 that *anger, the supplement of the laws* ; and they
 called those aggressors who did not go un-
 armed, to give themselves up to that *people of*
executioners ! . . . Just and consolatory people,
 whom I now invoke, people, who then were
 victims, I am not the man who joined these
 two names together, the union of which excites
 horror ; but do you think that they have suffi-
 ciently profaned this title so sacred, when ap-
 plied to you ? Do you think that it is time to
 avenge and to purify it ?

Let us pursue facts. LEOPOLD, not without
 reason perhaps, thought himself superior to the

* ISNARD, sitting of 31st October 1791.

insults

insults of BRISSOT. The grand thought which occupied his mind, the imperious duty which he wished to fulfil, was to do every thing in his power to preserve his people from the horrors of a war, the new and dreadful consequences of which his wisdom foresaw and his goodness repelled. He did not suffer a violation of hospitality to be prescribed to him; but he dispersed every collection of Frenchmen in his dominions, forbade them to make any purchases of military stores, or to assume any martial appearance *, and compelled those who wished to remain in his territories to sell the scanty supply which they had contrived to procure. He did not forget that he was the head of the Germanic Body; but while he declared his resolution to defend all the Princes of the Empire who should be attacked, he admonished those who would not adopt his measures with regard to the French Emigrants, that he would not assist them, even against an act of aggression †; and the Princes of the Empire conformed to the Empe-

* Note from PRINCE KAUNITZ to the DUKE D'UZÈS, and to the MARQUIS DE LA QUEUILLE, 22d October 1791. Declaration of the Emperor, December 1791, January and February 1792, &c.

† Official Note from the Emperor to the ELECTOR OF TREVES, and to the other Princes; read in the National Assembly of France on the 15th January 1792.

ror's desire*. All the dispatches of the German Ministers, those of the French Ambassador at Vienna, and of the French Plenipotentiary at Coblenz †, the reports of the Minister for Foreign Affairs at Paris; all prove to a demonstration that the EMPEROR, if he did not stand in need of *peace*, as BRISOT said, had at least a constant desire *for peace*, and that no man ever thought less of *playing the warrior* than he did.

On the 2d of January 1792, the PRINCE OF CONDÉ left WORMS with his family and his troop, which, according to the most exaggerated accounts, did not exceed *eleven hundred men*, a curious subject of alarm to a nation which daily boasted of having two millions of national guards under arms! Scarcely had the *eleven hundred men* and their chief arrived at ETTENHEIM, when they were obliged to leave the place, in

* Official Note delivered on the 31st December 1791, on the part of the ELECTOR OF TREVES, to the French Minister Plenipotentiary, and read by M. DE LESSART to the National Assembly.

† See all the Notes from PRINCE KAUNITZ, particularly that of the 17th February 1792; the Correspondence of the MARQUIS DE NOAILLES; the Dispatches of M. DE SAINTE CROIX, particularly those which were read to the Assembly on the 6th, 16th, and 19th of January 1792.

consequence

consequence of a requisition from the Emperor* to the CARDINAL DE ROHAN. The papers of the times, and in particular a celebrated journal, severely reprov'd the Cabinet of *Vienna* for obeying the orders of the *Jacobin Club*, and the King of Hungary for pursuing from one asylum to another a Prince of the House of Bourbon, who had recently escaped the daggers of the assassins, and who, thirty years before, had gloriously fought for *Maria Theresa* †. You will tell me that the Emigrants assembled in greater numbers elsewhere. Yes, the King's brothers might, at that time, have about three times the number of men which the PRINCE OF CONDÉ had, that is to say, three thousand six hundred men, a part collected at *Coblentz*, and the rest dispersed in *Brabant*. But attend to the same writer whom I quoted just now, who continues in the same strain of reproof: "As to the news from
 " *Coblentz* or *Brabant*, private reports accord
 " with the letter from M. DE SAINTE CROIX
 " to M. DE LESSART, which that Minister read
 " yesterday in the Assembly. Not one French-
 " man remains at *Treves*. They are daily leav-

* Read in the National Assembly of France on the 14th and 15th of January 1792.

† See the *Mercure Politique* of the 21st January 1792, p. 198.

ing *Coblentz*. The Gardes du Corps have already evacuated that town. Most of the armed companies marched away in the snow and by roads almost impassable. It is forbidden to wear uniforms. All purchase of arms and ammunition has just been strictly prohibited; and that Electorate, which a short time since was crowded with warriors, now only contains a small number of Frenchmen dressed like private individuals. This inconceivable clearage has been performed with the greatest precipitation. Intimations from the Cabinet of *Vienna* were added to those from the Legislative Body of France, in order to force the ELECTOR OF TREVES and the French princes to this humiliating condescension*.

PEOPLE OF FRANCE! you no doubt suppose that the Legislative Body, that is to say, the Jacobins who ruled them, must at least at that moment have been satisfied? By no means; for they did not wish for peace. It might justly have been said of them, *they stood in need of war; they only affected to be pacifically disposed*: and they even laid aside that *affectation* very soon. While LEOPOLD submitted to such great sacri-

* See the *Mercure Politique*, p. 199.

fices in order to preserve Europe from the calamities of war; while, on his side, Louis XVI. exerted every virtue he possessed, and every means which was still in his power to maintain peace in France, what were the *Jacobins*, the *Brissotines*, and the *Robespierreans* about, who, at that time, formed but one body? I will tell you what they were about.

ISNARD exclaimed in the Tribune of the Legislative Body: “*Let all Frenchmen hasten to the Jacobin Club; we are this moment about to declare war*.*”

Brissot, in a secret committee †, which the Minister for Foreign Affairs had been summoned to attend, exacted from the Emperor, as the price of peace; 1. that he should outrage humanity, by expelling every Emigrant, even those that were disarmed, from his dominions; 2. that he should violate the liberties of the Germanic Body, by forcing its members to renounce all their possessions in *Alsace* and *Lorraine*; and, 3. that, in case of refusal on their part, he should incur the forfeiture of his Imperial Crown, by tearing the contract in virtue of which he held

* Sitting of January 4, 1792.

† January 16, 1792.

it, and by entering into a league with France against the empire of which he was chief! . . .

GUADET, by a solemn decree *, caused every Frenchman to be declared infamous, a traitor to his country, and guilty of lese-nation, who should, directly or indirectly, take a part. . . . People! were I to ask you to finish the phrase, you would surely say—in a foreign or civil war, in the introduction of a foreign force, or in any counter-revolution whatever!—But no, you are far from the mark.—The man who was declared infamous, a traitor to the country, and guilty of lese-nation, was a Frenchman who should, directly or indirectly, take a part IN ANY MEDIATION BETWEEN THE FRENCH NATION AND THE FRENCH EMIGRANTS, who were stigmatized as rebels. These are the men who told you that they held all civil war in horror, that they had strained every nerve for the preservation of peace, and that the war had been occasioned by the Emigrants!

Lastly, HERAULT DE SECHELLES completed the general derangement of the senses of the members, by proposing a declaration which was

* January 14, 1792.

adopted

adopted with frantic acclamations *, and which, if it had not been suddenly stopped by the beneficent prudence of Louis XVI. would have begun the war that very day †.

I shall abridge the particulars. There can be no doubt that those men who made a merit of loading the foreign powers with insults and threats, in order to provoke some movement on their part which might be considered as an aggression, would spare no pains to augment the number and inflame the resentment of the Emigrants. While they were exposed to violence and injustice abroad, *at home* citations were issued and accusations preferred against absentees. One circumstance alone among all these acts is worthy of notice, and although I have before adverted to it, I think it necessary to mention it again: it is this; that even, at that time, there were certain principles which, notwithstanding the efforts of the Jacobins, the Legislative Assembly still held sacred. Thus it still acknow-

* January 27, 1792.

† *Humanity forbids to mingle any movement of enthusiasm with a decision on the subject of war. Such a decision ought to be an act of the most mature reflection; for it declares, in the name of the country, that her interest requires of her the sacrifice of a great number of her children.*—Letter from Louis XVI. to the National Legislative Assembly, January 28, 1792.

ledged

ledged the impossibility of *accusations in a mass**, and six individuals only were accused †. Thus the Legislators still remembered that the Constitution did not permit them, any more than reason did, to erect themselves into judges; and they only appeared as prosecutors before a high national court convened at Orleans. There was even a movement of generosity in the Assembly; I will not call it an *individual* movement (for the Legislative as well as the Constituent Assembly preserved, to the last, some members with whom such movements were habitual); but I mean to say, that it was a movement common to the majority. “*Will you appear greater,*” exclaimed one of the Legislators ‡, “*Will you appear more magnanimous by framing lists of proscription than by openly declaring war against your enemies?*”

* A prosecution is not the first step to be taken with the chiefs of a rebel army. You must fight them, and when you have made them prisoners, then punish them. You would have thousands of decrees of accusation to pass, for EACH INDIVIDUAL MUST BE THE SUBJECT OF A SEPARATE PROSECUTION, IN ORDER THAT NO MAN MAY BE DEPRIVED OF THE MEANS OF DEFENCE. I vote for the adjournment.—Speech of M. HUAT, January 1, 1792.

† One of the principal motives which influenced this decree was, that the nation expected a decree of accusation AS A NEW-YEAR'S GIFT.—See the sitting of January 1, 1792.

‡ M. GENTIL, January 1, 1792.

And this loyal cry was favourably received by the greatest part of the Assembly: last remains of expiring decency, which, compressed by terror, or destroyed by corruption, was soon totally lost in the decree for a general sequestration!

Still LEOPOLD endeavoured to extinguish every fresh brand with which injustice sought to kindle the fire of hatred. Whenever any new band of *Emigrants* entered his territory, he immediately ordered them to be conveyed into the interior parts of Germany, that he might afford no just ground of resentment to the French nation. With equal solicitude Louis XVI.* was incessantly employed in tempering the ardour displayed on the frontiers of France, and in preventing that violation of territory to which the defenceless state of the *Austrian Netherlands* held out too strong an invitation; and while, on both sides, a blind multitude were hurried on towards the same *gulf* by the most contrary impulses, it was certainly a glorious and a consolatory spectacle to see two monarchs, one of whom must have been deeply wounded

* See his proclamation of the 4th January 1792, and his communication to the Assembly on the 17th through the medium of the Minister for Foreign Affairs.

by ingratitude, and the other irritated by insult, forget or subdue their own feelings, *in order to preserve humanity from the effects of her own folly, and of her own rage.*

Well ! not only was the issue of this struggle between passion and wisdom, between hatred and beneficence, uncertain ; but victory evidently appeared disposed to declare in favour of those sentiments which were most worthy of conquest. Not only had the vain solicitations of the Emigrants or their leaders proved incapable of arming a single power in their behalf,—and subsequent events placed this matter beyond the reach of doubt ;—but even the colossal power of the Jacobins might have been reduced to consume itself in despised offences, in unmasked conspiracies, in projects the pretexts for which would have always failed. Attend, PEOPLE OF FRANCE ! and shudder while I point out what catastrophes were necessary to secure victory to the Jacobins, and to render the world a prey to crime.

Four personages in particular were the objects of their hatred, from the obstacles which they opposed to the accomplishment of their designs.

LEOPOLD. His tranquil wisdom had not once failed in counteracting their incendiary machinations; and his enlightened philanthropy was efficaciously vigilant to preserve the human race from the evils which threatened it.

THE FRENCH MINISTER for Foreign Affairs. He was one of those whom a noble illusion had rendered blind to the errors or dangers of the new Constitution. Bound, by good faith, to the oath which he had taken; ingenious, active, prudent, resolute, conciliating, all his efforts were exerted to second the wishes of his sovereign for the preservation of peace. He served as a support to that good Prince, who, left to himself, might brave, but could not repel, the danger. He made no scruple to declare that he was certain that he should be able to prevent a war*.

GUSTAVUS THE THIRD. An ardent and enterprising spirit, a noble and popular eloquence, a courage unshaken amidst the waves of sedition, the most brilliant valour in the field of battle, his rank as *Member of the Empire*, and the sentiments

* See his examination, the memorial which he composed in prison, and the letter which he wrote to a friend a short time before his death,

which

which he had openly manifested on the excesses of the French revolution, all combined to render him formidable in the event of a declaration of war.

Lastly, the PRINCE OF CONDÉ. It was known, since the seven years war, that he was worthy of his name. It was known that his son and grandson were with him, *nec imbellem feroces progenerant Aquilæ Columbam*.

PEOPLE OF FRANCE, attend. On the 23d of October, the Legislative Body had, in the *Journal of their Proceedings*, consecrated TYRANNICIDE.—On the 17th of December, a man was arrested at *Worms* *, who was the leader of forty assassins who had arrived there with the intent of stabbing, on the 18th, the PRINCE OF CONDÉ and his sons.—On the 1st of March, the Emperor died suddenly in dreadful convulsions.—On the 10th, the unhappy LESSART was thrown into a prison at *Orleans*, which he only quitted to be massacred.—On the 15th, the KING OF SWEDEN was murdered by an as-

* BEUZELOT, who entered *WORMS* wearing a cross of the order of *Malta*, was recognised by a French traveller whom he had robbed on the Frontiers, was examined by the magistrates of *Worms*, and confessed all these circumstances.

fassin, whose bust became an object of worship to the National Convention of France.—That same day, the Jacobins deprived the unfortunate Louis XVI. of the only friend he had remaining in the Council*, and began to form for him a Ministry of their own.—Two days after, the new Minister for Foreign Affairs went, decorated with the red cap, to thank the Jacobins at their club, and to promise them war.—On the 23d, the general sequestration was imposed on the property of *all* the Emigrants, in order to defray the expences of the war.—On the 26th, the new Ministry was completed, and only one friend to peace remained in the Council.—On the 19th of April, the six Jacobin Ministers surrounded the King and made him sign the declaration of war.—On the 20th, they dragged him to the hall of the Assembly, where the Legislators answered his accents of grief and piety by cries of fury and rage.—On the 21st, the order was given to invade the territory of the son of LEOPOLD, who had declared † his resolution to imitate the conduct of his father,

* M. DE BERTRAND, Minister of the Marine, who, after his retreat, continued to the last to enjoy the confidence of his Sovereign.

† Memorial of PRINCE KAUNITZ, in the name of the new KING OF HUNGARY, March 18th, 1792.

and who so little expected war, that four months elapsed before he was in a condition to begin it. —In short, it was only on the 18th of August, that is eight days after the abolition of the French monarchy and the imprisonment of the Monarch, that the combined armies of *Austria* and *Prussia* entered *France*, accompanied by a body of *five thousand* effective men, composed of *Emigrants* and commanded by the *French Princes*.

Well! PEOPLE OF FRANCE, are the merits of this grand cause sufficiently explained? Do you here see, sufficiently clear, who were the persons that were really *alone* guilty of provoking this war, in which, when once begun, it was certainly natural to attempt to conquer, but which nevertheless will ever remain a mournful epoch in your annals as in the annals of the world; a war from which we must hope that Providence will deign to deliver us; for, as to human reason, the more she thinks of it, the more impossible she finds it either to continue or to conclude it.

If we had the very confession of the culprits themselves, could it give any additional force to a demonstration thus complete? Well, we have that confession. Read all the debates, and all

the publications after the 10th of August 1792, particularly in the four months immediately following; you will there find these words uttered and repeated by BRISSOT, in speaking of LOUIS XVI.; *we made him declare war, to put him to the test.* Amidst confessions equally explicit of PETHION, BARBAROUX, ROBERT-PIERRE, &c. you will find this phrase of COLLOT D'HERBOIS:—*we were resolved to have war, because war would kill royalty.* But what do I say? The very sentence of death passed upon BRISSOT ranks among his crimes *the declaration of war*, as another sentence had ranked apostacy and atheism among the crimes of the infamous GOBET; and as another also, in consigning to punishment the most degraded of men, and the vilest of parricides, stated that it was *for having voted for the death of LOUIS XVI.!*... Impenetrable decrees of Providence, who, by carrying trouble and infatuation into the councils of the wicked, made them attack each other, not only with their poniards, but with sentences just though illegal, with accusations of real crimes although there were no lawful judges, with proceedings in which the accomplice, punishing his accomplice for the enormities which they had committed together, left the court condemned by his own lips, and

in which the judge descending from the tribunal was, in all respects, the equal of the miscreants whom he sent to the scaffold.

FRENCHMEN, I have dwelt upon this question of the principle of the war, because such a variety of important interests are involved in it. I know very well what answer I shall receive. I shall be told—*If they were not the cause of the war, they wished to be so. If they were unable to make the powers arm in their behalf, they spared no pains for that purpose. In this case then the intention constitutes the crime. To wish was to perform, to undertake was to execute. This had been formally declared by a law passed anterior to the fact.* I shall notice this argument presently; but first let me congratulate myself on the grand truth which I have established beyond all controversy. It is certainly a great thing to have proved that the Emigrants are innocent, in *point of fact*, of the misfortunes which have befallen their country; it is a great thing to have rendered it impossible for their persecutors henceforth to impute to them any thing more than *intentions* still unexecuted, passions as vain as they are ardent, errors as inoffensive as excusable, and resentment as impotent as lawful. It is a great thing for them,

them, PEOPLE OF FRANCE, that their names will be hereafter separated, in your memory and in your sentiments, from the regret or the sufferings which you experience; that their misfortunes will not be aggravated by your hatred, that they will at least obtain the whole of your commiseration, if they do not obtain all that justice should lead you to grant them.

And even, forgetting themselves, and confining their attention solely to their country, which is ever present to their minds, I am very certain that there is not one amongst them who, seeing what turn this war has taken, how it has lost all that he wished to save, and destroyed all that he wished to defend, does not console himself with this satisfactory idea.—“ At least, “ I am but its victim; I was not the means “ of promoting it. At least, my solicitations, “ my groans, my rights were disdained as much “ by one side as by the other. At least, those “ prophetic minds which gave to the declaration “ of *Pilnitz* and the remonstrance of *Padua* “ the appellation of *Stage-trick**, have been “ justified

* “ Yielding, for the sake of form, to the sensibility, to “ the importunate solicitations of the brothers of Louis “ XVI., the Emperor and the King of Prussia signed that “ insignificant

" justified by the event. At least, those powers
 " who kept us at a distance from their battles,
 " and excluded us from their cartels, have
 " clearly demonstrated that we neither were,
 " nor ever should have been the objects of the
 " war. My country is the cause of my mis-
 " fortunes; but I am not the cause of her cala-
 " mities. I even enjoy the sweet satisfaction
 " of extending forgiveness to her, but she
 " will never have a right to extend her hatred
 " to me."

I return to you, too potent and too pitiless
 accusers. Yes, I am obliged to admit, that the
penal Code of the 29th of September 1791,

" insignificant and superfluous Convention, the object of which
 " was destroyed by the last proceedings of the King of
 " France. Content with this *demonstration* of interest,
 " which the refugees hastened to circulate as a decisive ma-
 " nifesto, the two sovereigns immediately returned to their
 " preceding neutrality. Not one of their soldiers stirred. The
 " Constitution received by the King of France, under pain
 " of deposition, falsified that Convention of *Pilnitz*, which
 " politicians have classed among the number of AUGUST CO-
 " MEDIES."—Recapitulation of the Political History of the
 Year 1791, published in January and February 1792, by
 M. MALLET DU PAN. It will one day be known what
 gave rise to that comedy, and how far its representation was
 insignificant to the persons who played parts in it, no matter
 of what description,

second

second part, first table, first section, *Of crimes against the external safety of the State*, inflicts the punishment of death on *whoever shall be convicted of machinations or intelligence with foreign powers, to engage them to commit hostilities, or to point out to them the means of waging war against France, whether such machinations or intelligence have been followed by hostilities or not.* But turn over the page and read with me.

Section 2. *Of crimes against the internal safety of the State.*

" Art. 2. All plots or attempts against the person of the King, the Regent, or the presumptive heir to the throne, shall be punished with death."

The King, you say, betrayed us! I will allow you for a moment to calumniate him. But had the *presumptive heir* betrayed you? Read again :

" Art. 2. All conspiracies and plots tending to disturb the State by a civil war, by arming the citizens against each other, or against the exercise of lawful authority, shall be punished with death."

Who armed, in 1792, the citizens of *Marseilles* against the citizens of *Paris*? Who caused the national guard of *Paris* to be assassinated in 1792? Who armed the *Marseillais* against the exercise of all the lawful authorities in 1792? Who promoted the civil war in *Morbihan*, in *La Vendée*, at *Lyons*, in *Calvados*, in 1791, 1792,

1792, 1793, 1794, and 1795? Turn over the page again:

Section 3. *Crimes and attempts against the Constitution.*

" Art. 4. All conspiracies or attempts to prevent the meeting, or to effect the dissolution of the Legislative Body, or to prevent by force and violence the freedom of its deliberations, shall be punished with death."

" Art. 6. Whoever shall have been guilty of an attempt to ~~invest~~ with armed men the place at which the Legislative Body holds its sittings, or to introduce armed men into such place, without its authority or requisition, shall be punished with death."

Who, on the 9th of August 1792, attacked and caused to be attacked with stones and knives the members of the Legislative Body? Who, on the morning of the 10th of August, reduced the Legislative Body from 745 members to 284? Who forced the remains of the Legislative Body to deliberate, amidst the noise of cannon, and in sight of bayonets, pikes, and poniards?

Read again the 1st, 15th, and 19th articles of the same section; read the 5th section of the same title; read the law of the 16th of September, and that of the 29th, upon *security, justice, and proceedings in criminal cases.*

Laws annihilated! say you. *Constitution destroyed!*

Laws annihilated? Granted. But do not then oppose those laws to the Emigrants; for
you

you will scarcely pretend that the same law is annulled with regard to you and exists with regard to us; that the articles which affect you have lost all their force, and that those which affect us have preserved all their vigour?

Constitution destroyed?—And by whom?—By us.—And by what right?—*The right of arms.* And you are the men who accuse the *armed Emigrants*; you are the men who punish them for the *intention*, while you yourselves are guilty of the *fact*! They took up arms! And so did you. They wished to overthrow the Constitution of 1791! And so did you. But they did not shake a single line of it, while you tore it to pieces. They, too, had never acknowledged it, whereas you had sworn to maintain it.

And what were the causes, the means, and the immediate effects of your war and your perjury? Against whom did you wage war when you took up arms before the 10th of *August*? Against whom did the armed Emigrants wage it when they entered the French territory on the 18th of *August*? In short, there are two questions to be solved here. By whom, and by what means, was the Constitution of 1791 overthrown? By whom, and by what means,

means, was another Constitution established in its place?

PEOPLE OF FRANCE, these two questions shall be answered not by the defender of the Emigrants, but by their oppressors. I have repeatedly told you that the perjured had boasted of their perfidy, that the wicked had triumphed in their enormities. These details are either forgotten now, or perhaps were never known to a great number of you. Attend first to CHABOT, CHABOT member of the Committee of Superintendence of the Legislative Body at the first instant of its creation; hear him haranguing in the tribune of the Jacobins, on the 9th of September 1792, while the massacres still continued.

“ No man has had a better opportunity than
“ myself of knowing all the aristocratic cor-
“ ruptions in the departments. In the Com-
“ mittee of Superintendence, from the beginning
“ of our session, we have maintained a constant
“ correspondence with all the departments and
“ the popular clubs. IT FORMED A PART OF
“ THE PLAN OF INSURRECTION OF WHICH WE
“ HAD THE DIRECTION, TO SUFFER ALL THE
“ DEPARTMENTS TO BE DISORGANISED, and
“ then the popular clubs (the JACOBINS) could,
“ in

“ in a moment, have succeeded to the departmental administrations*.”

PEOPLE OF FRANCE, now attend to CAMBON, one of the oracles of the Legislative Assembly, giving an account of the conduct of that Assembly in the tribune of the Convention, on the 10th of November 1792, seventeen days after the *Emigrants* had been proscribed as guilty of treason.

“ *That Assembly*, REVOLUTIONARY FROM ITS
 “ BIRTH, adopted means for indirectly preparing
 “ an insurrection, which it considered as necessary, but which it could not bring about in
 “ a direct manner. In consequence, THE ASSEMBLY ITSELF DISORGANISED the armed force
 “ of Paris; it broke the officers of the staff; it
 “ dismissed the troops that were stationed here;
 “ it shut its eyes upon the impotence of the constituted authorities; IT ARMED ALL THE CITIZENS WITH PIKES; IT OPENED TO THEM THE
 “ GATES OF THE THUILLERIES, where the *Tyrant*
 “ had shut himself up;—it attempted to bring
 “ twenty thousand men to Paris . . . *Despotism*
 “ beheld this measure with alarm—Unfortunately

* See the *Journal of the Jacobins*, sitting of the 9th of September 1792.

“ the twenty thousand men did not arrive—THE
 “ NATIONAL VOLUNTEERS WERE CALLED IN—
 “ those which my department supplied had
 “ marched two hundred leagues in eleven days
 “ —THEY WERE HERE BY THE TENTH OF
 “ AUGUST . . . THE REVOLUTION WAS AC-
 “ COMPLISHED *.”

PEOPLE OF FRANCE ! you are not a little sur-
 prised, I believe, at seeing in this circumstantial
 account that the *tyrant* was the man who had not
 even authority enough to keep the *doors* of his
 own house *shut*, and that the *oppressed* were
 the men who *disorganised*, *dismissed*, *called in*,
broke, *armed*, and *made revolutions*. It is
 needless to repeat to you the speeches of RO-
 BERSPIERRE †, COLLOT D'HERBOIS ‡, JÉRÔME
 PÉTHION §, BARBAROUX ||, and many others ¶,
 who made the same confession. You know
 now by whom and by what means the Constitu-
 tion of 1791 was overthrown.

* See the *Journal of France*, of the 11th November 1792,
 No. 51, and the *Moniteur* of the same date, No. 317.

† In the Convention, November 5th.

‡ At the Jacobin Club, November 5th.

§ Letters to the people, to the Convention, and to the
 Jacobins, on the 10th and 21st of November.

|| In the Convention, 30th October.

¶ In the Convention, 29th October, &c.

By whom and by what means was another established in its place? BOISSY D'ANGLAS has told you that before me; he has told you, that *the first moments of the Republic were polluted by wicked usurpers*; he has told you, that these villains founded their usurpation on the *two monstrous corporations of the Parisian Commune and the Jacobin Club*; he has told you, that they concerted together the massacres of the 2d of September, in order to establish at once the empire of death, of terror, and of crime;—he has told you . . . but why all these citations? In this case none of you are ignorant of any thing, none of you have forgotten any thing. They are not even recollections that follow you; they are pictures that invest you; they are sensations that never quit you; they are your own hands still bearing the marks of the chains which they bore; they are the traces of blood with which your own was to have been mixed; they are the shades, wandering around you, of the many cherished victims, who incessantly repeat to you, that on the 10th of August 1792 the reign of Louis XVI. ended, and that on the 10th of August 1792 the reign of ROBERSPIERRE began! . . .

Let any one stand forward bold enough to tell you that those men were criminal, who believed that if one of the two, Louis XVI. or

CAMBON, was perjured, it was not LOUIS XVI.; that if one of the two, LOUIS XVI. or ROBERSPIERRE, was a tyrant, it was not LOUIS XVI.; those men who saw in LOUIS XVI. the lawful and beneficent prince whom it was their duty to defend, and in ROBERSPIERRE the odious and sanguinary usurper whom it was their duty to enchain; those who thought that it was better for Frenchmen to be the subjects and fellow-citizens of LOUIS XVI. than the slaves and victims of ROBERSPIERRE; those who, if their means had corresponded with their wishes, and their strength had been equal to their courage, would have spared you, PEOPLE OF FRANCE! all the disgrace and punishment which the two years reign of that execrable monster heaped upon your heads, and all the disorders and misfortunes which it left behind it. Ah! if, on the first day of that infernal tyranny, the zeal of all the friends of virtue and the laws had been seconded and united; if the natural leaders of such an enterprise had had counsellors as prudent as their rights were sacred; if, instead of all those manifestoes, of which the least that can be said is that they were senseless, a voice had exclaimed, “ *To me every Frenchman who wishes to save the liberty of his country, the life of his King, the existence of his family, the repose*

"and the property of all his fellow-citizens!"

PEOPLE! I appeal to you, whether the French emigration would not have increased a hundred-fold; whether the armed Emigrants would not have had most of those men for their companions who are now their judges; and whether, instead of being accused as they now are for having taken up arms, the accusations would not in that case have been confined to such as had taken no part in that pious and patriotic crusade? Though these chiefs were misled by their guides, betrayed by their agents, deceived by their emissaries; though they were incessantly made to misconceive their cause, to repel their allies, to offend their friends, to destroy their support, it is still not less true that the soldier who, in the simplicity of his heart, went, the day after the 10th of August, to offer them his assistance and his arms, was nothing else than a soldier armed against ROBERSPIERRE; that in entering the French territory *on the 18th of August*, he entered the territory of ROBERSPIERRE; that then he was like *Thrasylulus* hastening from the place of his exile to the relief of his oppressed fellow-citizens; that at that epoch, in short, he could not devote himself for his Prince, without devoting himself, at the same time, for his country, without devoting himself for you, PEOPLE OF FRANCE!

FRANCE ! and when you are not asked to reward, but merely to absolve that devotion, the most immense tribute is paid to bad fortune that she ever received. Let us erase, PEOPLE OF FRANCE ! let us erase from the fatal list the name of every Emigrant who took up arms at the period of the 10th of August 1792.

But I hear our persecutors exclaim—*He has blasphemed our solemnities ! he curses the very days which we celebrate ! even while he seeks to soften the Republic in his favour, he cannot refrain from offending her. Even while he prescribes to himself the language of peace and submission, movements escape him which betray both his secret resentment and his persevering revolt.*

PEOPLE OF FRANCE ! I do not betray myself ; nothing escapes me ; what I say, I mean to say. Above all I wish to appear what I really am. If I spoke any other language to you, if I were capable of contradicting or even of repressing the sentiments of my mind ; in short, if presenting myself before you as an entire new man, I came to prostitute a blind submission to the mere name of your Republic, without distinction of times or chiefs, then you would have been right to suspect me. But I desire it to be well understood,

stood, on the contrary, that I make all these distinctions. The Republic which began on the 9th of *Thermidor* by the fall and punishment of the tyrants of France, the Republic which was established on the 5th of *Messidor* on the basis of the new constitutional compact, is that which I think may possibly deserve my submission and extort my homage ; that with which we may treat for the ruins of our wretched families without a scruple of conscience or a violation of honour. But that Republic whose false and odious name was uttered from the 10th of *August* to the 9th of *Thermidor* ; that Republic, all-stained with the dearest and most sacred blood, could never excite any other sentiment than the contempt of every rational being, and the execration of every just man. And it is my intention, when I come to discuss the question of policy, to appreciate with you, PEOPLE OF FRANCE ! those solemnities, those hymns, those harangues, those oaths of hatred, those anniversaries of murder ; in a word, those festivals which they tell you are always dedicated to happiness, but which resemble sacrifices made to the Furies. It is my intention to prove to you, that it is all over with your Republic, if you persist in placing its cradle with that of *ROBERSPIERRE's* tyranny ; if you do not dig an
abyss

abyss between the reign of crimes and the reign of the laws, so vast as to preclude the possibility of approximating its sides. But let us avoid anticipation, and finish the question of the *Emigrants* who have borne arms.

It would be a strange abuse of words to undertake the justification of all the *Emigrants* who waged war from the 2d of September 1791, to the 9th of Thermidor 1794. FRENCHMEN, when your tyrants wished to convert you into a nation of soldiers, when they wished to send you all to the field of battle, what cry did they cause to resound in your ears? By what springs did they make you march against those foreign cohorts, which, at that time, only seemed to advance against them? Did they not merely say—*they are coming to massacre your children and your wives?* What was the consequence of that cry? I appeal to yourselves. With what a dreadful accent did you repeat—*To arms, citizens!* France still resounds with the noise. With what torrents did you deluge the plains of your enemies? Europe is still alarmed at it. And yet it was nothing more than a vain threat. But they were not vain terrors which your wretched fellow-citizens, the unhappy *Emigrants*, were made to experience, on account of their families,

families, who remained in the power of their tyrants. They were not told,—*they are going to massacre*;—but *they are in the act of massacring*; and this during two years! and yet, none of them should have called *to arms*? And thousands of voices should not have repeated the cry? Were they not men also, then? Were they not Frenchmen also? What would you have felt, what would you have done in their place? Would the groans of a murdered mother or wife, the body of a son or a brother have affected you with less violence than fantastical fears and theatrical modulations?

But admire the connection of all these acts of barbarity to which they have prostituted the name of Law! The decree which pronounced *the pain of death on every Emigrant who should be taken in arms*, stands placed, by its date, between the *2d of September* and the *23d of October* 1792; that is to say, between the butcheries of ROBERS-PIERRE and the law of COLLOT D'HERBOIS. Thus, on the *2d of September* they cut our families into pieces; on the *9th of October* they declare us guilty of treason if we take up arms; and, on the *23d of October* they pass the decree, which, depriving us of country and property, leaves to a part of us no other resource than arms,
not

not only to obtain justice, not only to recover our property and our homes, but to procure a physical subsistence, to avoid dying with hunger on the spot.

Some of us indeed might have received assistance from our relations who were not yet massacred, and, by that means have been at liberty to choose what exile we pleased, and to follow what line of conduct we thought proper; but a decree* was passed, forbidding, under pain of death, all fathers and sons remaining in France to send support to their children and parents in exile.

Others, who were so fortunate as to have saved their families, and with them the wreck of their fortune, thought that they would, at least, be allowed to vegetate in peace in some obscure and melancholy solitude; but another decree was passed, declaring *all the money and moveables belonging to Emigrants, who should be seized in foreign countries, to be confiscated to the Republic*†.

Lastly, the dread of exposing a family, who still remained in the power of the tyrants; un-

* *On the accomplices of the Emigrants.*

† Decree of 4th December 1792.

casiness as to the views of the allies and the principles of the war; the physical possibility of finding some other resource; a thousand motives founded on local or personal considerations, persuaded a great majority of the *Emigrants*, that it was their fate and perhaps their duty to remain passive until their country should become just again; when another decree came to teach them, that they would gain nothing by such conduct, if they should happen to fall into the hands of the French armies. A decree truly incomprehensible, *a decree explanatory of the law passed against the Emigrants who should be taken in arms*, literally declares that *every French Emigrant, who is or shall be taken in the countries occupied by the troops of the Republic, making OR HAVING MADE a part of the Assemblies, armed OR NOT ARMED, shall be DEEMED TO HAVE SERVED AGAINST FRANCE.*

And all these decrees were nominatively confirmed by a law in 1794, and were consecrated in a mass by the Constitution of 1795*.

Thus,

* It is my desire that these quotations should be verified, particularly the last; for whatever degree of confidence you may honour me with, it appears to me that you must often have some difficulty in believing me. This decree was passed

on

Thus, by the constitutional laws by which France is now governed, it is a capital and unpardonable crime in the *Emigrants*, to have taken up arms against the murderers of their families, against the theft that pursued them to the very end of the world, against the assassination that left them no means of escape, against a legislation that compelled them to be Emigrants, that forbade them, under pain of death, to become soldiers while it reduced them to the necessity of becoming so, and that finished by telling them—*Be so or be not so, whenever we take you, you will be deemed to have been so.*—We are now come to the month of Thermidor.

Governors of France! it was then in your power to fix with justice the seal of *criminality* on ALL Frenchmen who should remain in arms against the Republic. If you had wished, in ridding yourselves of ROBESPIERRE, to purify yourselves from ALL his crimes, and, in cutting off his head, to obliterate all his tyranny:—If you had said to foreign powers,—*Let us suspend our combats, the enemy of society is no more.*

on the 20th, and sealed on the 29th of March 1793. It was scrupulously transcribed in the decree of revision of the 25th Brumaire, in the 3d year (November 18, 1794). It appears under these two duties in the *Code of the Emigrants* published at the Press of the Depository of the Laws.

To the Emigrants, let us put a stop to our dissensions, our tyrant and your's has perished:—

If, in the name of the regenerated country, you had recalled to your bosom all such of her children as that monster had banished:—

If, commiserating their just griefs, if offering them all the reparation that was still possible, if, respecting their lawful affections, and their incontestible rights, you had proposed to them to come and deliberate with their fellow-citizens on the form of Government which it might please the French to adopt, on the means which existed and which still exist of reconciling the interest of the old with that of the new proprietors, on the quantum and proportion of the sacrifices which ALL must make to repair calamities to which the passions of ALL had contributed.—Lastly, if, after so noble and affecting a return to the paths of justice, you had apprized them that in future they would wage war not against ROBERS-PIERRE but against their COUNTRY, and that to wage an offensive war against their *Country* is a crime for which no punishment is too great:—the Emigrants, who, resisting such an invitation, should have remained in arms, would now form but one class, to which I should in vain endeavour to apply any other appellation than that of *Criminal*. The expedition to *Quiberon*, undertaken under such circumstances, would have been

been a parricide plot. The army of *Condé*, instead of offering to my sight a generous troop, would appear only as a criminal assemblage.

What you had not done on the 9th of *Thermidor*, you should naturally have been led to do on the 5th of *Messidor* in the following year (June 21, 1795), that day which was the first, since the 14th of July 1789, in which France had seen any thing arise which could be called a social compact. When it was acknowledged by yourselves, that, *during six years, crime had been continually increasing*; it might be hoped that, in putting an end to its progress, you would grant satisfaction to its victims.

But neither of these two epochs, nor any of those which followed, saw you accord to the solicitations of public conscience and of public reason, that grand act of morality and policy. On the contrary, justice, which, in her turn, *was constantly increasing*, was arrested in her progress in the sixth week, whereas crime had been suffered to advance to the *sixth Year*. Scarcely, PEOPLE OF FRANCE! had you begun to breathe, when, in all parts, you demanded the return at least of those of your exiled fellow-citizens, whose innocence had been proved to you. As
to

to the others, whose cause had not yet been investigated, your Generals, at least, took care that their victories should no longer be polluted by assassinations; France had recovered *Valenciennes* without a wound to her sensibility, or a blot upon her honour. But new orders arrived to enchain the loyalty of the troops, and to repel the wishes of the citizens. The former were obliged to renew the assassinations at *Bois-le-Duc*, at *Nieuport*, at *Sluys*, and at *Ypres*. Soon after, that decree, called, nobody knows why, a decree of *revision*, collected together and perpetuated indiscriminately all the laws of COLLOT D'HERBOIS and ROBERSPIERRE *. This was followed by

* See the Decree of the 18th of November 1794 (25th Brumaire, 3d year). It even goes so far as to pronounce the pain of death against a daughter or a mother, who should feud a father or a son who had emigrated *pecuniary assistance*. (Art. 9. Sect. 3. Art. 5. Tit. 4.) It declares that *in no case can Emigrants be tried by a Jury*. (Art. 12. Tit. 5.) That a REVOLUTIONARY TRIBUNAL shall remain authorized to try them in concurrence with the Criminal Tribunals. (Art. 13th, same Title.) That any person who shall denounce or seize Emigrants, shall have a reward of so much per head *after the execution*. (Art. 1. same Title.) That every person accused of being a returned Emigrant, on the affirmation of two citizens of known civism, who shall certify the identity, shall be condemned to die and executed within 24 hours, without any delay, appeal, or arrest of judgment. (Art. 3 and 4. same title.) That every Emigrant who shall be taken, having been one of an assemblage

by ten others, which aggravated its enormity; and, by a new act of inconsistency, all these iniquitous proceedings were going on during the establishment of a new Constitution, every prin-

NOT ARMED, shall be considered as having borne arms against France, and in consequence thereof tried by five Commissaries, given up to the executioner, and put to death within 24 hours. (Art. 7. and 8. same Title.) That the same conduct shall be observed with all Foreigners who, subsequent to the 14th of July 1789, have quitted the service of the Republic, (which did not exist till 1792,) and who, after having abandoned their post, (the foreign regiments were suppressed,) have joined the Emigrants. (Art. 9. id.) That all the retroactive Emigrants, created by the complementary law of ROBERSPIERRE on the 28th of March 1793, that is to say, such as have been absent from France a single day since the 9th of May 1792, still remain Emigrants. (Art. 1 and 2. Tit. 1.) That every person is an Emigrant, who, during the invasion of France by foreign armies, quitted that part of the territory of the Republic which was not invaded, in order to reside upon the part occupied by the enemy:—(that is to say, that the mother of a family who, dreading the bombardment of Lille, fled with her children to Tournay, deserved confiscation and death for herself and her children. Art. 4. Tit. 1.) That every person is an Emigrant who, having two places of residence, one in France and the other in a foreign country, shall not prove that he has resided without interruption in the former since the 9th of May 1792. (Art. 3. Tit. 1.) Whence it follows, that if the public power has a right to enact such a law in France, it has necessarily the same right in a foreign country; and that if the two powers, within whose jurisdiction the two places of residence are situated, should enact the same law, a man would be punished with death, with his whole family, for not having been in two different places at the same time; &c. &c. &c.

ciple

ciple of which they violated; and during the accusation of a hundred criminals, whose examples they consecrated. The club of the Jacobins was destroyed, and the projects which their hatred had engendered were executed; FOUQUIER TINVILLE was condemned for having made out lists of proscription, and every department was ordered to furnish a similar list every three months*. In the same decade, LE BON was accused of the massacres at Arras; and the massacres at Vannes, Auray, and Quiberon were proscribed; and LE BON in vain exclaimed, *My Crimes are the Crimes of the Convention!* While we were exposed to every species of inquisition which injustice could devise or cruelty enforce, we were excluded from the advantages of every act of equity and humanity. Was it proposed to recall the victims who had been the objects of tyrannical persecution? *The Emigrants were excepted:* To suppress confiscation? *The Emigrants were excepted:* To abolish capital punishments? *The Emigrants were excepted:* To make restitution of the property of condemned persons? *The children of Emigrants were excepted:* To ensure to all citizens the free exercise of their civil and political rights? *The*

* See the Decree of Revision, Tit. 3. of the list of Emigrants.

relations of Emigrants were excepted. In short, PEOPLE OF FRANCE, after having sported with our misfortunes as with your rights; after having made our proscription a part of the constitutional code, as they enchained your sovereignty in the mode of accepting it; after having erased our names from the list of your fellow-citizens as they forcibly retained their own on the list of your representatives, by the suffrage of cannon; they completed their criminal audacity by that famous law of the 3d of Brumaire, which renders your legislation the scandal, and your liberty the fable of the universe;—by A SANGUINARY AMNESTY, in which all *the assassins* are included, and from which all *the fugitives of the second of September* are excluded!

Well! At least persecution stops here? At least we and our persecutors can have nothing more to do with each other?—No,—they have not yet done with us. Their decrees having expelled us from France; their treaties now expel us from foreign countries. Formerly a noble conqueror, giving peace to a barbarous Republic, forbade her, as the first condition, *to sacrifice human victims in future*; but these men, on the contrary, prescribe such sacrifices, not only to the nations they conquer, but to their allies.

Even the people that have been suffered to remain neuter in their wars, have not been allowed to remain neuter in their hatred *. The † sovereign against whom they affected to hoist the standard of liberty, has been forced, by the sword, to become a despot, to violate the laws of hospitality ‡, and to order arbitrary banishments which are equal to a sentence of death ! Thus, in the most distant place of exile, we are not sheltered from their attacks ! Thus could we forget them, we could never be forgotten by them ! Thus, either that country, which is still our own, will recall us to her bosom ; or, until death shall have released us from our sufferings, they will not permit us to enjoy even the anticipated tranquillity of the grave !

And can JUSTICE consider that man as a *Criminal* who is still armed against oppression so sanguinary, against fury so insatiate ? Ah ! theirs is the *crime*, who, having it in their power to reconcile all the French, persist in the

* See the injunctions delivered to *Switzerland*.

† See the last Treaties.

‡ Mais je suis malheureux innocent, étranger :

Si le ciel t'a fait Roi, c'est pour me protéger.

One of the *Athenian* Laws inflicted a double fine upon the person who did any injury to a foreigner.

determination

determination to arm them against each other, in order to render their division the basis of their own scandalous fortune and their own detestable domination. The *crime* is theirs who punish thousands of unfortunate beings for the very necessity to which they themselves have reduced them. The *crime* is theirs who declare war, and yet will not suffer themselves to be opposed; who have recourse to every means of attack, and yet will admit of no means of defence; who break capitulations, promise men their lives if they will lay down their arms, and then put them to death. The *crime* is theirs who calumniate the memory of the victims whose heads they have cut off; who . . . but I will not proceed; for it is my wish to point out the innocent and not the criminal; such is the fatality of my situation, to which I must and will submit, that I must, at the same time, denounce assassination, and cast a veil over the assassins.

PEOPLE OF FRANCE! it seems that I ought not to finish here the article relating to the *Emigrants who have borne arms*. Hatred expects her part;—but a sentiment still more invincible has just taken possession of my soul; I just now pronounced the name of *Quiberon*, and all the scenes which it recalls to my mind at once sur-

rounded and assailed me. I saw the young SOMBRUIL, who, himself alone excepted from the capitulation which he made on the field of battle, returned to tell his comrades, — *you are saved*, — but he did not say, — *I am devoted!* — I see the brave DE GREY, who, faithful to the capitulation, swam to his frigates to stop their fire, and, not less faithful to his word, swam back again to take his place among the prisoners! I see those heroes of humanity, who, after their first victory, forced their prisoners from the murderous hands of the *Cbouans*; and those honourable heroes, who, when led to death, would not effect their escape from a feeble escort, deeming themselves bound by a sacred promise; and those patriotic heroes, who made the Temple*, converted into a prison for them, resound with their vows and their prayers *for the happiness of France!* I see a Bishop, fifteen Priests, and a HUNDRED AND SEVENTY-FIVE Officers who did not sell their lives dearly, because their enemies swore to respect in case they would cease to

* The Church belonging to the Seminary at *Vannes*. An exact account of these particulars may be found in the *Relation* of M. DE CHAUMBEREIX, an Officer of the Navy, who escaped from the massacres at *Auray* and *Vannes*; an affecting and admirable composition, on which I should here expatiate more at large, if I had not occasion to notice it again hereafter.

defend them; I see them protected, in vain, by officers who would not condemn them, by soldiers who would not shoot them, and by a whole victorious army which attested *their efforts to spare Republican blood**. I see them all condemned and executed by *Belgians* and *Liegeois* in the name of the *French Republic*! I see the last orders arrive for exterminating even children under sixteen†, even the wounded, even the servants; ONE HUNDRED AND EIGHT unfortunate beings whom even the Commissioners had not courage to condemn. I see wounded men, not in a condition to be removed, shot on their mattresses‡!—Seeing these things, I feel remorse in my heart, I shudder at the thought of suffering it to be understood, that in this class of men, which contains so many victims to deplore, so many heroes to honour, and so many innocent persons to defend, I could find *criminals* to denounce. . . .

I will not, however, incur the deeper remorse that would arise from the separation of these *criminals* from the propitious crowd which conceals them from my sight, and covers their errors with all their own rights. But yes, if it

* See the preceding Note. † Ibid. ‡ Ibid.

be true that some individuals, after having been the first to promote the Revolution, wished to take exclusive possession of it on their own account;—if it be true, that, without having been wounded in their affections, or injured in their rights, without having felt a single spark of that noble enthusiasm which makes a man fly to the relief of loyalty and innocence; (for at a time when *fraternal societies* were formed for violating the rights of humanity, others might perhaps be formed for the purpose of affording them protection);—if it be true, I say, that from vanity, from intrigue, from corruption, some men speculated upon public dissensions, and imposed on the inexperience of ardent and loyal youths; that, by the usurpation of a sacred name, by false promises, by threats preferred in Honour's name, they caused even those country-places which had experienced no interruption of tranquillity to be deserted, and dragged out of France all that venerable class of men, simple as their residence, pure as their origin, who, brought up in the observance of one only law, sacrificed themselves to that law;—if it be true, that some were even so far exasperated and led astray, as to favour the crimes of their enemies in order to ruin them, and to encourage licentiousness in order to discredit liberty;—if, on one side as on the

the

the other, peace and reconciliation met with invincible enemies ; if, when so many voices made the echoes of the *Seine* repeat the cry of—NO MEDIATION ! there were some that made those of the *Rhine* reply—NO ACCOMMODATION !—Yes, doubtless, those men are *criminal*. . . . But how many of them now remain ? But where are those who do remain to be found ? How are they to be convicted ? And, besides, who has a right to try them ? towards whom have they been criminal ? Alas ! towards their wretched families, most probably, who have too severely expiated their passions, and who, from the grave, grant them their forgiveness, and ask for them the forgiveness of others ;—towards that unhappy Louis XVI., who pardoned both imprudent zeal and ungrateful perfidy, both the errors and the crimes of the Revolution * !—towards the mass of *Emigrants*, who, when they hope for a general reconciliation, will not nourish private hatred, and have already abjured resentments more difficult to consign to oblivion :—towards that eternal and unwritten law, which you must cease to outrage before you affect to avenge. But assuredly they are not criminal towards you, Republicans ; for it is

* See his adorable WILL.

probably to their system that you are indebted for the establishment of your Republic. They are not criminal with respect to your written laws; for against them, as against us, against all the Emigrants of every description, not a single decree has been passed which did not emanate

From accusations without a crime;

From condemnations without a trial;

From retroactive punishments;

From the infraction of existing and known laws;

From *usurping villany, which polluted the first moments of the Republic;*

From *those two monstrous corporations, the Jacobins and the Commune of the 10th of August;*

From *those massacres of the 2d of September, which they conspired together;*

From *the empire of terror, of crime, and of death;*

From *that Throne the steps of which were composed of heaps of ruins and dead bodies* *;

From the reign of ROBERSPIERRE;

From the Legislation of COLLOT D'HERBOIS;

* You certainly have not forgotten the report of the *Commission of Eleven*, whence all these expressions, so precious as *confessions*, are extracted;—as *proofs*, truth had no need of them. (See pp. 127, 128, 129.)

In

In short, from the *crimes which have been gradually increasing for six years* *. That is to say, that there is not one of those decrees which JUSTICE does not reject ; that there is not one of those *written Laws* which can be called *Law*, which can ever be regarded as a *Law* : NEQUE IN POPULO LEX, ETIAM SI POPULUS ACCEPERIT.

It is true then, that we are come to the last consequence which I announced ; “ That the whole “ nation, much less a single individual, would “ have no right to pass such decrees against an “ individual.”

It is true then, that if this great cause was to be ultimately tried by the laws of JUSTICE, there is not ONE object of proscription still existing whose sentence would not be revoked, and who would not be placed in such a position that his future conduct would decide, whether he should preserve the rights of innocence, or incur the just punishment of real crime.

YOU, PEOPLE OF FRANCE, will not oppose this last conclusion which your wishes have

* Nor the report of another *Commission* by the organ of BOURDON DE L'OISE. (P. 137.)

long since anticipated, and have frequently called for. But when among you, colleagues of COLLOT D'HERBOIS and of ROBERSPIERRE, I wish not to discover any more criminals; when I seek to establish a principle, with respect to the crimes committed before the 9th of Thermidor, "That Divine Justice has made this distinction; "that those whom it struck during or subsequent to the commission of those crimes "were, apparently, the only direct authors of "them, while those whom it spared were the first "victims of the villains, being forced to become "their accomplices:" Even when obliged to remember the last attempts of your last revolutionary Committees, I would neither see nor indicate the men to whom they were imputable; when I thus exert, to the very last, my whole strength to snatch them from the fangs of crime, and when my sentiments, my projects, my discourse, and my silence, all tend only to invite repentance, and to enlarge the paths of innocence; O! when the oppressed are capable of such supernatural efforts, when they can make such sacrifices to the desire of promoting the salvation of France, endeavour, at least, to conceive how you will be stigmatised in the eyes of the world, if you remain implacable to innocence which has no cause for repentance, to victims who only
with

wish to forget, and to a country which is only anxious to pardon!

They will at least, PEOPLE OF FRANCE, suffer themselves to be persuaded to be just, when they shall be convinced that justice has become equally useful and necessary to them.

It now remains for me to examine the acts of your legislature which relate to the *Emigrants*, under this last point of view. Whenever our persecutors find themselves forced in their last entrenchment, they shelter themselves behind *State-necessity*. Our proscription, forsooth, is never to finish merely because it has begun. They see agitation and disorder returning with us into that society, which, in our absence, they will probably tell you, exhibits every thing that is calm and well-regulated. Lastly, they repeat the stale cry, that *it is proper that one should die to preserve the whole, and that thousands of men should be sacrificed to the safety of millions...* O you! whom an excess of ardent sensibility too often carried away beyond the truth, but whom the admonitions of conscience almost always brought back to it; you who lived the most exalted Apostle of popular power, and who would have died with grief in the second month
of

of the French Revolution; from the sanctuary of their Pantheon, which your ashes have re-established, make them hear that oracle which you formerly traced in such impressive characters; “ Let them tell us that it is proper that one “ man should perish for the whole community; “ I will admire this sentence in the mouth of a “ worthy and virtuous patriot who voluntarily, “ and from a sense of duty, devotes *himself* to “ death for the safety of his country: but if it “ be meant that a Government is permitted to “ sacrifice *one* innocent man for the safety of “ the *multitude*, I hold that maxim to be one of “ the most execrable that tyranny ever invented, “ the most false that can be advanced, the most “ dangerous that can be admitted, and the most “ directly opposite to the fundamental laws of “ society *.”

PEOPLE

* J. J. ROUSSEAU in his *Discourse upon Political Economy*. And how much more striking is the passage that follows: “ Far from its being the duty of an individual to perish for the “ whole social body, all the members of the state have “ pledged their property and their lives for the defence of “ each individual, in order that private weakness may “ always be protected by the public strength, and each “ member by the whole state. After having, by suppo- “ sition, cut off one individual after the other, press the “ partizans of this maxim to be more explicit as to what “ they

PEOPLE OF FRANCE, you hear what he says; it is not only *one of the most execrable maxims*, not only *the most false*, but *the most dangerous*, but *the most directly opposite to the fundamental laws of society*. And this it is that opens my new and last head of discussion.

The question concerning the Emigrants is decided as far as it relates to JUSTICE, and to your *duties*; let us now see how it stands in its relation to POLICY and to your *interest*.

PEOPLE OF FRANCE, I am aware that there is a connection that, at the very outset of this new discussion, may excite your surprise.

You form an aggregate of twenty-three millions of men; you cover Europe with your troops; the limits of your empire have been extended in the south, even beyond the Alps; in the east to the Rhine, and in the north to a new sea: your victorious arms have made the

“ they mean by *the body of the state*, and you will find that
 “ they ultimately reduce it to a small number of men, who are
 “ not the people, but the officers of the people; and who,
 “ being bound by a particular oath to perish themselves in
 “ order to promote the safety of the people, pretend by
 “ that means to prove that the people ought to perish for
 “ *their safety*.”

Danube

Danube tremble, and still strike the Tiber with alarm; . . . and yet you are told that you may have an interest in the fate of a few thousand proscribed objects, some of whom are dispersed about the Continent, where they wander from state to state; while others are secluded in an island, where for four years generosity has covered with her benefactions our private misfortunes; although Policy has not, for an instant, considered herself called upon to repair our public misfortunes.

But our enemies themselves give us such a degree of importance, as to maintain that the safety of the state is connected with the perpetuity of our oppression. It is not presumptuous in us, and, at least, it is more moral to make the safety of the state depend on an act of justice, of which we shall find ourselves the objects.

Hitherto the founders of empires and of laws, the oracles of governments and of the people, preached to them virtue, disinterestedness, and humanity; they told them over and over again, in all possible ways, that cruelty, avarice, and corruption proved the destruction of states. Now, for the first time, a people are told:—
“Be mistrustful of Justice, for she will lead you
“astray.

“astray. Stifle every sentiment of humanity,
“for they will occasion your ruin. You can
“only be great by rapine, and happy by ferociousness. You can only exist in society
“by the violation of all social rights. The
“impulse is given. PILLAGE AND PROSCRIPTION are your fate. One single virtue, one
“single mark of repentance, one single emotion
“of humanity, and it is all over with the
“Republic.”

Between these two doctrines it be will easily conceived, that I adhere to that which is as ancient as the existence of man, and as infallible as his conscience. No, most certainly, it is not the individual misfortunes of the *Emigrants* that can ruin France; but all the combination of crimes, of acts of injustice and barbarity, that will be requisite to perpetuate those misfortunes; to do this, just and necessary laws must be repealed, immoral and absurd laws be enacted, scandal incurred, mistrust excited, wretchedness created, in short, a thousand acts committed which are absolutely incompatible with the existence of a truly civil and social state.

PEOPLE OF FRANCE, time presses, and I see with regret the impracticability of giving to every
part

part of this immense question that degree of attention which I could wish to bestow on it. I will, however, lay down the principal points, and in leaving them to the sagacity of your minds, and the rectitude of your intentions, I shall not conceive that the cause will suffer by it.

Is it not true, that the only *republic* which you meant to accept, was a republic in which the people were free, the laws just, the manners pure, and the government stable? These four grand characteristics, which have a mutual action and reaction on each other*, include the whole system of government.

* Thus the *people* cannot be *free* without just laws: they cannot remain free without a stable government: they neither can nor ought to live free without pure manners.

Thus *laws* are not *just*, unless they ensure the liberty of the people, and defend that liberty by the stability of the government. Laws are not just unless they have pure manners for their principle, their security, and their object.

Thus *pure manners* neither will nor can exist, where the people are slaves, the law unjust, and the government the sport of every seditious tumult.

Lastly, a *stable government* cannot be expected where the people are in a state of servitude. A stable government cannot be expected where those who compose it violate just laws, or execute unjust laws. A government cannot be stable, unless it exhibits at once the offspring, the support, and the model of pure manners.

Have

Have you obtained these four ends of every good political establishment? Does that part of your legislative provisions which relates to the *Emigrants* permit you to obtain them? This is the question which I shall now examine.

Before I enter upon a separate investigation of each of these four ends, there is a first means, common and necessary to the whole, which demands our previous attention, and of which the preponderance is such, that it might of itself be sufficient to decide the question.

The *liberty of the people* depends essentially on the conditions required in the exercise of political rights.

The *justice of the laws* has for its elementary principle the quality of the Legislators.

Purity of manners necessarily depends on the kind of men who regulate them by their authority, and form them by their example.

Lastly, the *stability of the government* depends, in a great measure, on the private characters and disposition of the persons who hold its places, and on the general establishment of the public wealth,

wealth, of which such persons have the management.

From these incontestable truths results a first principle, which is not less incontestable than the truths themselves—That the exercise of political rights is the exclusive privilege of the proprietors of land.

And why this difference between the citizens who own and the citizens who inhabit the soil? Why, if civil rights be common to both classes, should political rights be the exclusive property of the first?—For these reasons*:

Because, in order to be a member of the political body, a man must be necessarily attached to the physical body of the state.

Because a man can only be necessarily attached to the physical body of the state, by means of that which cannot be conveyed out of the state—that is, the soil.

* It would be certainly unnecessary for any person who has reflected on this question, to go back to these elementary principles; but I deem it proper to point them out to others, and it is my wish to resume them with all. *There are some things which should be repeated until they are obtained*—said VOLTAIRE, when discussing one of the subjects on which he was right, the old criminal jurisprudence of France.

Because

Because the consideration, that man in order to live stands in need of the soil, and that the soil in order to become productive stands in need of man, is the basis of all political societies as laid by Nature herself.

Because the sovereignty, the law, and the jurisdiction are entirely territorial, and neither bind nor affect the individual beyond the territory.

Because on the basis of landed property, both the real wealth of every species of production, and the fictitious wealth of every species of credit, essentially repose.

Because it being impossible to verify the positive motives of action in beings who are heaped together by millions, we are reduced to the necessity of establishing presumed motives of action.

Because, from the weakness of our nature, amidst the whirlwinds of our passions, the presumed motives of action in men must be regulated by their interest.

Because the evident, necessary, and sole interest of the landed proprietor is liberty, justice, order,

and peace, without which his harvest, his land, and his house will be pillaged, laid waste, and demolished.

Because, in another respect, the landed proprietor, standing in need of workmen to fertilize his land, of consumers to purchase its produce, of guardians of every kind to watch and defend his property, also finds it his interest to be not only just, but liberal to these different classes of his fellow-citizens, in order to keep them in the society in which they are so necessary to him.

Because the very passions of the landed proprietor render him the friend of order: for if he be ambitious, and wish to purchase votes, he must receive his rents; if he be avaricious, and wish to augment his fortune, he must improve his land; and public tranquillity is absolutely necessary for both these purposes.

Because, on the contrary, the mere inhabitant who has no property is led to wish for troubles, which, without subjecting him to any loss, offer him some chances for gain; and the Cosmopolite, whose riches are all moveable, has no objection to dig the gulph of public poverty, in order to increase his own private treasure, which he will carry with him in triumph to a neigh-

bouring

bouring nation, on the very day on which his nominal country will be involved in the shame and disaster of a bankruptcy.

Because, when, in the absence of personal passions, a man becomes an instrument to the passions of others, he still finds that corruption adheres to want, seduction to ignorance, incorruptibility to independence and knowledge, and independence and knowledge to property.

Because, as from the impossibility of establishing an inquisition of manners for twenty millions of men, we must admit presumed motives of action, so, from the impossibility of making twenty millions of men support a thesis, we must admit a presumed mode of reasoning.

Because we must necessarily infer such mode of reasoning from the combined proportion of the means of information, of the interest which men have had to avail themselves of those means, and of the necessity to which they have been reduced of profiting by them; and all these bring us back to property.

Because, lastly, though examples be superfluous where the principle is so manifest, this in-

vincible theory has been consecrated by the practice of all free people; because, in the Roman republic, even a Patrician was excluded from the senate, when he ceased to have the revenue prescribed by the law as the necessary qualification for a seat; because in the Athenian democracy the tribes were classed according to their property, and the political magistracies devolved exclusively on the proprietors; because the wise and opulent Carthage adopted the same rule; and because no man can now be a member either of the British Parliament or of the states of the empire without a landed property. Must I assign my last reason, and crown so many lessons by the most striking and most terrible of all? Because the infraction of the sacred right of property opened the door to all those evils which have spread over France; because a respect for that right would have averted all her calamities; and because the return of that respect can alone preserve her from ruin.—Because—attend to this!—Because even the villains who entered upon the revolution in a state of indigence, and became rich for a moment by dint of enormities, began to talk of order, virtue, and humanity, as soon as they had acquired a property by anarchy, crime, and assassination; so that, after having been the most sacrilegious violators of the respect due to the rights

rights of property, they became, in their own persons, the most irresistible argument in their favour: and observe, yourselves, whether at this time the most formidable of your internal enemies are not those men who have either not acquired any property, those who have lost all they possessed, or those who, infected with a rage for stock-jobbing, seek, in the last ramifications of the body politic, for some substance to devour, equally skilful in rendering your very victories fatal to yourselves, and your very poverty fruitful for them.

I am far from having said all that might be said on this point; but I have certainly said enough to make even those who reflect the least be sensible of all the importance, all the immutability of the principle which concentrates in landed property * the entire possession of political rights.

* I do not deny that it may, and perhaps it ought,—*provided it be not in such a proportion as may endanger its existence*,—to admit to the exercise of ITS rights, without any other condition, either eminent virtues which have been tried and approved, or great talents, which have been virtuously employed; and those places of reserve, consecrated to morality and to genius, as a homage and as an encouragement, ought evidently to be in the deputations from towns.—But this is an exception to the rule.

Well, PEOPLE OF FRANCE! the observance of this principle, that first and necessary condition of liberty, justice, morality, and public tranquillity, does not, cannot, exist for you, in the present state of things.

It is not because your Constitution went no farther than to require that the *Electors* should be proprietors without saying any thing of the representatives. This I repeat was a great point gained, at the epoch at which your Constitution made its appearance. It clearly pointed out for the representatives what it required for the electors, leaving it to your suffrages to supply what it did not yet dare to advance, and to anticipate what it will sooner or later ordain. The common people of Rome, at liberty to choose their consuls in their own body, had wisdom enough to perceive the necessity of choosing them for a long time in the order of Patricians; in the same manner, your electors, at liberty to choose representatives of the people in any class of the community, might now confine their choice to the class of proprietors, and the omission in the Constitutional Code might be repaired without an infringement of any of its provisions.

A local

A local and momentary violation of such rights vested in such proprietors, however dangerous it might be, would not be sufficient to deprive you of the power of placing the legislation and government of your Republic under the general safeguard of property.

An obstacle more general, a cause more radically destructive has taken from you even the first elements of this tutelary principle; and that so completely, that the most ardent wish on your part to have recourse to it would be nothing more than a sterile wish, so long as no change shall take place in your present situation.

Before proprietors can govern, there must be proprietors. In order to have proprietors, property must exist. Now property does not exist in France: what has been put in its place usurps its name and destroys its essence. In the same manner as a false country was substituted for the true country; that is to say, a parricide country for a mother country; has a false property been substituted for true property, and this substitute carries with it dangers immediately opposed to the advantages which the other enjoyed; that is to say, that, instead of a property which inspirits and ennobles, you have a property which alarms
and

and degrades; instead of a property which preserves and fertilizes, a property which destroys and dries up; instead of a property which secures at once morality and independence, a property which necessarily implies either immorality or servitude; lastly, instead of a property which is efficaciously desirous of order, which cherishes and assists the Government, a property which disturbs order, even while it invokes it; which, though indebted for its existence to the injustice of the Government, or rather because it is so, despises, dreads, defrauds, and deserts it.

Attend, PEOPLE OF FRANCE! and, obliged as we are to unite several questions in one, observe, at the same time, what property is in itself;—what it has been rendered in France;—and how far that plunder of the *Emigrants* which you were first taught to consider as actual wealth, and afterwards as a resource, has become more and more disastrous to the nation, to the Government, to the revenue, in a word, to you all as a people, and to each of you as individuals.

Do not, however, suppose, that, because I am going to lay down the principles in their utmost rigour, I am not aware of the necessity

of making them bend, in their application, under the force of circumstances. All that I pretend to enforce is,—that they should bend without breaking; that, after having steered a middle course between principle and necessity, we should arrive at a conciliation of interests and a compensation of sacrifices.

PEOPLE OF FRANCE * !—What is property in a state? Do the lands and houses of themselves

* The discussion which occupies several of the following pages, I present with confidence to the world. On that grand and difficult question I called in the aid of a friend, to whom I not only submitted my ideas and my plan, but whose own reflections on the subject I solicited. They appeared to me to be so luminous and so classical, that I transcribed, almost literally, such of them as were compatible with the nature of my work. Happy, in having, at once, procured so many additional arguments for my cause, and associated in its defence a man so worthy to partake of it; a man, who, by his inflexible integrity and his conciliating disposition, by his fertile mind and his consummate wisdom, by the noble courage of his resolutions and the more difficult courage of his patience, has procured for himself a distinct and separate place in the history of the French Revolution; a man, who, in the midst of a sanguinary war, has found the means of serving the cause of humanity, so as to merit the benevolence and to obtain the reverence of all parties; a man, in short, whom I have seen, during a term of four years, employed in doing, and especially in supporting, for the *safety* of the European Colonies, that for which those Colonies and their ultimate possessors, whoever they may be, can never shew sufficient gratitude. This last phrase points out M. MALOUE; and indeed the preceding description marked him in a manner that precluded the possibility of mistake.

constitute

constitute property? Certainly not; they form the matter and not the essence of property. A field and a heap of stones are not necessarily property; they become so, and it is only by becoming so that they acquire any value; but they can only become property in virtue of certain moral and immutable conditions, which the general interest has determined in concurrence with justice, which every law, worthy of the name of law, respects and guarantees, and which no decree can alter without making the lands and houses return to their original nullity.

Their function as property is to represent an immense national capital, a proportionable revenue for the possessors and the sovereign; to interpose in exchange and in circulation as an object of positive value, to serve in that capacity as a security for public and private loans, and to invite, by their *fixity*, by the power of protection which is given to them, the employment of the capital and the industry which are destined to augment their produce.

Property thus constituted is every thing that it can be in society. But the moment that it is removed from this state, it loses a prodigious part of its vital force, and all its advantages, all its

means disappear in proportion as its moral character becomes weakened and degraded. If a traveller, led by circumstances to visit a foreign land, there experiences well-founded apprehensions for the possessions which he has left behind him in his own country, property must have already received a deep wound: but if, living in his own field or beneath his own roof, he is under incessant apprehensions that he shall not be allowed to remain there a month; if, while he does remain, he has not the free and entire disposal of his field, if he does not reap its produce, if every year he is under the necessity of alienating a part of his capital for the payment of arbitrary contributions with which he has been burdened, property no longer exists.

If then the value of land daily decreases in a country, if all public credit is gone, if the imposts are collected with difficulty, if money bears a monstrous interest, all these disorders are explained by the state of property.

But who could deem the inheritance of his ancestors, or the fruits of his own industry, secure, in a country where not only individuals, but whole sections of the nation, were subjected

in

in a mass to the pains of confiscation for a difference of political opinions?

Who could place any confidence in the public morality, in the legislation of a country, where those men would be called PATRIOTS, who should shew themselves most eager to seize upon the spoils of their fellow-citizens, and who, proceeding from crime to crime, should ultimately consecrate plunder by assassination, and both by acts distinguished by the appellation of laws?

Such a Government would soon be punished by its own hands for its own injustice. In vain would it stimulate, in vain encourage new purchasers; the low price of the property purchased would exhibit at once a mark of their uneasiness, and a proof of the instability of their possession. Become accomplices in the plunder, it would be thought that they gave additional weight to the unjust power that prescribed it; but the very reverse of this is the fact: they diminish, they debase it by their shame, by their insurmountable terror, and by the inability under which they labour in common with that power to convert usurpation into legitimate property. Then, the more purchasers there are, the more this odious impression, which at first attached to
a single

a single act of the Government, is extended over every part of the territory. The people, stricken at first with only one act of injustice, become disgusted, when they behold a hundred thousand proofs of it. How could it be expected that those new fortunes, the joint offsprings of great calamity and monstrous iniquity, would ever occupy the place of patrimonial fortunes, or of fortunes which have been acquired by honourable labour? How could those estates which were bought at five, three, two, or even one year's purchase suddenly become family-property? By what rule could the lapse of time necessary for effacing their original blot, and for consigning to oblivion their lawful possessors, be measured? The *Spartan* exiles returned after an absence of twenty-seven years; those of *Sycione*, after an absence of fifty. The Scotch, whose estates were confiscated in 1745, had them restored in 1788. The French Protestants, who were expelled by the revocation of the edict of *Nantes*, are about to recover their possessions at the expiration of a century.

The Government, then, during an incalculable number of years, must thus march abreast with that escort of proprietors, who are ashamed of their origin, and uncertain of their possession.

It

It must afford them protection, in order to be protected by them, without ever being able to give or receive any real mark of confidence and esteem. But things will not remain in that state. Sooner or later mistrust will be followed by disunion, hatred will succeed contempt, and war will break out among the accomplices. The Government will tax those men with ingratitude, whom it has enabled to acquire property at so cheap a rate, and who will refuse to come to its relief; and it will despoil the new possessors with still less scruple than the old. The purchasers will curse the perfidy of the Government, who only tempted them to buy at a reduced price, in order to take back the property bought without restoring the purchase-money. Seized by force, or defended by sedition, all these estates will be daily abandoned to the chance of some new struggle. False property becoming more and more unproductive to the public treasury, recourse will be had to fresh invasions of what still remains of ancient and real property. Not only forced loans, arbitrary contributions, and requisitions in kind, will be adopted; the lists of proscription will be enlarged; and there will not be one individual in the state, who, when he lays him down on his pillow at night, will be sure that he shall not find his estate exposed to sale, and

and his person attainted, when he awakes in the morning. Property will no longer exist ; but the most lawful possessors, as well as the most fraudulent invaders, will have a momentary occupation of such and such land and houses, more or less precarious, more or less threatened, more or less lost to private wealth and to national credit.

But when the landed property shall become a subject of *alarm*, instead of a ground for *confidence* ; when even the legitimacy of the possession shall be an additional cause of danger to the possessor ; then men will seek to get rid of their estates with still greater eagerness than they formerly displayed in acquiring them. Then they will be sold at a loss, and the purchase-money will by some be buried in the earth, while others will send it into foreign countries, or place it out at a most usurious interest, to supply the wants and correct the blunders of the governors, secured on the necessities and misery of the governed. Every day property will become more precarious and decrease in value ; every day will the rage for stock-jobbing and monopoly become more contagious and destructive ; every day will the state become poorer and more exhausted.

PEOPLE OF FRANCE ! Attempts were made to persuade you that moral considerations had no sensible effect in the mechanism of a political society ; that success in commercial undertakings, in the cultivation of land, and in matters of government, in nowise depended on the purity of their elements ; and, in short, that political crimes, on whatever pretexts committed, might be productive of happy effects.

Such is no doubt the opinion of corrupt men, who only consider good or evil as means or obstacles ; but, to persons of this description, it is not my intention to present any thing more than physical impediments. The falsehood of their calculations may be demonstrated by vulgar arithmetic.—Ask them who they meant to enrich by making so many families miserable ; and they will answer, *The Nation*. Now, contemplate the state of the nation, in its finances, in its commerce, in its means of exchange and of circulation.—What has the whole mass of confiscated property produced, in estates that have been sold, in revenue paid into the public treasury, in taxes imposed on that revenue ?

All the estates which have been sold have not produced an effective sum equal to one year's produce

produce of their former rents, and the nation remains charged with all the debts with which they were encumbered*.

The annual harvests have scarcely sufficed to pay the expence of cultivation.—The imposts upon yearly incomes have not been collected †. And all this does not arise solely from the dishonesty and plunder of the various descriptions of persons employed by the Government, in their collection and management, though the necessary multiplication, in a hundred-fold degree, of a class of men, but too numerous before, is a very serious evil to the state:—but let us for a moment forget this accumulation of crimes, this detestable means of destroying the morals of a whole nation, and see what must be the effect of merely exposing too great a quantity of houses and estates to sale, at one time.

* And these debts retain their primitive value, while the value of the land daily diminishes. At the present rate the whole territory of France would not suffice to discharge one half of the debts inscribed in *the Great Book*.

† The taxes actually collected, even including the *forced Loan*, have not sufficed to pay the expence of collection. There is not one of the assertions advanced on this topic which is not supported by irresistible proofs founded on *facts* in the last publication of Sir FRANCIS D'IVERNOIS, on *the Administration of the Finances of the French Republic*.

When these multiplied sales pass between individuals, they amount to nothing more than a mere exchange of property; for he who purchases land sells some other species of security, and he who finds it more expedient to sink his money in annuities, or to employ it in commercial concerns, sells his land; and nevertheless, as, in such a case, immovable property acquires the mobility of merchandize, it necessarily falls in value from the mere circumstance of the market being overstocked. Without any other cause for mistrust or alarm, the economical and political order of the state becomes deranged; for it is of consequence to the tranquillity and well-being of society, that landed property should maintain a sort of dignity that renders it superior to every other kind of property, as representing the stability of the whole social edifice.

But if these multiplied sales proceed from no other cause (as is at present the case in France) than the banishment of the most considerable proprietors and the confiscation of their property; if it be the Government, which has plundered them, that requires support and invokes the aid of accomplices, by offering to invest them with the confiscated estates, the consequences will then be such as I shall state; and

I call

I call upon such of you as are thoroughly acquainted with the present state of France to compare facts with my reasoning.

In the first place, only three descriptions of men will offer to purchase estates seized in this manner :

1. Those who, in the course of the Revolution, have distinguished themselves by the commission of every species of crime, and who are therefore interested in prolonging the iniquitous proceedings of the Government, in order to secure impunity to their own.

2. Men of weak minds, who, incapable of voluntarily committing a crime or even an act of injustice, are nevertheless destitute of that degree of elevation which rejects a fortune ill-acquired, or of that degree of knowledge which is necessary to distinguish the boundaries assigned by justice to public power, or of that degree of courage which runs any risk rather than have recourse to a means of safety which may afterwards become a subject for remorse.

3. Men truly and courageously honest, who, bending beneath the yoke of unavoidable necessity, or actuated by the most beneficent motives,

tives, form a secret resolution, on receiving or acquiring any portion of such estates, to transfer them to, or account for them with, the lawful proprietors, and only to retain such a part as will indemnify them for the expences which they have actually incurred.

It is impossible to see the first of these classes invested with the office of political or civil magistrate, without shuddering; or the second, without alarm. Yet the present proprietors occupy both; and thus, instead of the proprietors being looked to for protection, there is a disposition to take precautions against them;—the principle is positively inverted. As to the honest men of which the third class is composed, they are placed in a false, and in a cruel position. Those who, in payment of the most lawful claims, have been compelled to receive or purchase confiscated estates, are not at liberty to sacrifice the patrimony of their families; and have it still less in their power to stifle the murmurs of their conscience, at seeing themselves the usurpers of the patrimony of others. Those who resemble PELISSON accusing FOUQUET in order to defend him, that is to say, who have purchased the property of others in order to preserve it for the lawful proprietors, are soon disgusted with the performance of so equivocal and

so dangerous a part. Frank probity wears with impatience the mark of injustice. Frail probity is ever afraid of being surrounded by the snares of temptation. Both become suspicious by the very delicacy which renders them unhappy. Their remorse and their uneasiness are observed, and men are not apt to forgive in others the sentiments which they are incapable of entertaining themselves. By this means, that false property to which I adverted, that property which, instead of implying at the same time morality and independence, implies either immorality or servitude, is the first result of this general system of *expropriation*, and of this sale of plunder.

The second result is necessarily a very great reduction in the price of the objects exposed to sale, not only from the circumstance of the market being overstocked, but because each of the three classes of purchasers calculate their dangers, and because three-fourths of them have no money*.

The

* In a former part of this work, I mentioned the circumstance of estates having been sold for five, three, two, and even *one year's purchase*. In one of the French Journals, most distinguished for the abilities of the persons who conduct it, (*Journal d'Economie publique*,) I find it mathematically demonstrated, that for the sum of 385 livres tournois (from 15 to 16l. sterling) a *national estate* of 4000 livres a year

The third sensible effect, and that which ultimately becomes the most apparent, though it frequently acts from causes that are not perceived, spreads over all the branches of the political economy of the state, and where it does not produce death prevents an increase of life. It is at once the witness, the proof, and the punishment of this grand iniquity. It mars all the efforts of the government, which it accuses of ignorance in its system, insincerity in its promises, and impotence in its means. Nothing is more easy to demonstrate.

(about 167 l. sterling) may be purchased. Patrimonial estates only lose three-fourths of their value.

This monstrous *reduction* in the price of estates, after having been an *effect*, becomes a *cause* in its turn. It invites rapacious purchasers from foreign countries. Universal pillage ensues. Some foreigners, I know, have made a point to purchase none but patrimonial estates in France; but few instances of this delicacy occur. From all parts of the world, monopolizers and misers have flocked to seize upon the carcase of French property, as swarms of insects are seen to fix upon the body of the lion that has just expired. The greatest part of the moveable wealth of the country has become their prey, and is for ever lost to France. The portion of landed property which they have acquired, when most of them never intend to reside in the country, is so much taken from the social security, and from that deep and salutary sentiment which attaches man to his native soil, independently of the value which he sets upon his own property. On whichever side we turn, nothing but mourning and destruction are to be seen.

The

The sales which take place between individuals are effected by an exchange of articles of value, which not only are not taken out of circulation, but which multiply its powers; because the price of the thing sold is immediately applied to the melioration or acquisition of some other object of commerce.

But when the Government sells, it consumes the article which it receives in return, and has not the ability to render it a means of reproduction. It applies it to the payment of *functions*, whereas the individual applies it to the payment of *labour*.

Government then takes from circulation not only the price of the article sold, but its necessary employment in objects of melioration or of reproduction.

By this means it impoverishes, in the first place, the class of proprietors, and, in the next, the industrious part of the community, who, in return for their labour, would have had a part of this value thus rendered sterile.

This species of impoverishment is subdivided and multiplied, in a most alarming manner, in a proportion

proportion relative to the particular situation of the purchasers, and to the state of the public fortune.

The particular situation or condition of the purchasers being, in respect of the two first classes, absolutely contrary to the spirit which presides over family affairs and domestic economy, men of avaricious minds, irregular lives, and restless dispositions, will hasten to enjoy, by exhausting, demolishing, and laying waste, those precarious possessions which they have purchased at a very low price. All the arts of cultivation will be neglected ; to plant, to manure, to repair farms, and to erect habitations, which in the country are so necessary for the security of persons and property, will form no part of their calculations ; and here it is, that, instead of a property which preserves and which fertilizes, we shall find one that dries up and destroys.

The state of the public fortune, after so disastrous a revolution, being that of a continued bankruptcy and of a general distress, all that will be taken by sales of this kind from the coffers of individuals, to be poured into the treasury of the nation, will be subtracted from the daily salaries of labourers, artisans, and manufacturers ;

turers ; from the payment of civil debts ; and from the speculations of commerce : and thus poverty will increase by poverty. The taxes then will become less and less productive. Public credit, extinguished by all the preceding commotions and acts of plunder, can never be revived amidst their prolongation ; and, under such circumstances, to talk of respect for property, of banks, loans, notes of credit, arrangements of finance, or any other means applicable to regular governments, would only be an additional insult offered to reason, decency, and truth.

Thus a constitutional code will in vain enunciate pure and sacred maxims : the spirit and the acts of the Government, and, which is still more fatal, the national manners, will be at constant variance with the constitutional code. Every principle will be consecrated in theory and violated in practice.

Thus corruption can only produce such fruits as resemble itself. Thus, if those persons who have hitherto been entrusted with the management of the finances of the French Republic, had even been the most able and best informed of mankind, they still would be, like public credit and commerce, in the same desperate state to
which

which we now see them reduced, from the mere effect of the spoliation of proprietors and the extinction of property.

People of France! Our oppressors will, no doubt, endeavour to destroy the facts which I have just established, by other facts in appearance contradictory. I will anticipate their objections, and, far from diminishing their force, will exhibit them in all their vigour.

What! they will exclaim, according to your confessions, the taxes since the commencement of the revolution have scarcely produced any thing; and yet we have had five campaigns. We have supported the most obstinate war, at first, against almost all Europe, and now against her most formidable powers. The expence of each campaign has amounted to a thousand millions of livres. We have, therefore, derived at least five thousand millions from our confiscations. Thus this spoliation of the Emigrants which you think so disastrous to the nation, and this sale of their estates which, under whatever point of view you consider it, appears to you a subtraction from, instead of an addition to, the riches of the nation, have enabled the nation to defend its territory and its freedom; but for these
resources

resources the one would have been invaded, and the other oppressed.—This, I believe, constitutes the objection in its utmost force;—the following is my answer to it:

There can be no doubt but that the spoliation of the clergy afforded a basis of credit for the *assignats*, proportioned however to the quantity issued, and to the nature of the ecclesiastical property, which public opinion deemed more or less necessary to the support of public worship. Thus the estates belonging to the monasteries, the abbeys, and the chapters, were sold with greater facility, and at a higher price, than the endowments of the rectories or bishopricks; and the value of the *assignats*, before it was fixed by the system of terror, certainly decreased, in regular progression, in proportion to the quantity issued, and to the price for which the different kinds of ecclesiastical property were sold. We saw them lose, when they were first issued, five *per cent.* and afterwards seven, ten, fifteen, twenty-five, and, on the third emission, forty *per cent.*

The sale of the crown-lands did not at all strengthen the security for the *assignats*, because it exhibited, even more than the sale of the estates of the clergy, the spoliation of an hereditary

tary proprietor, who held his domains by the same title by which every family possessed its field, its house, and its furniture.

The confiscation of the estates of the Emigrants annulled that security, because it announced an universal pillage, and a complete dissolution of the social system.

It was then that the assignats ceased to have any real value in the public opinion. Then, while they were multiplied by dozens, by scores of *milliards*, their circulation was enforced by the law of the *Maximum*, by the terror of the scaffold. Thus, it was neither the *assignats*, nor the lands, nor their confiscation, nor their sale, which defrayed the expences of the war ;—but the executioners, *The guillotine coins money*, said BARRERE ; and he spoke truth. As soon as the axe was suffered to rest, the moment that each individual ceased to tremble for his life, you saw what became of the paper-money and its boasted security. Of the whole of this operation, and of all the metamorphoses* which it underwent, nothing now remains but the horrible bankruptcy which

* The *rescriptions*, *promises of mandates*, *territorial mandates*, &c. It is well known, that the first day on which the *rescriptions* appeared, they lost 50 *per cent.* and that the *mandats* very soon lost 91, then 98 *per cent.*

it was calculated to produce, and the certainty that *the present possessors of those national estates which have been sold, paid for them in an illusive property, which finished by leaving no sign of exchange, no price for the articles exposed to sale, either in the hands of the Government, or in those of the individuals to whom the false money had been transmitted.*

Hence it results, that this confiscation, that this universal spoliation, regarded as a means of finance, was alike absurd and disastrous; and that, considered in a moral point of view, it was both cruel and impious.

It results, that, in order to derive that temporary assistance to which all the pretensions of the Government were ultimately reduced, it became necessary to proceed from excess to excess, from crime to crime, from disorder to disorder, from injustice to individuals to violence upon all, and gradually to raise tyranny to its most atrocious *maximum*, to a height unknown to former ages, for you are the only people in the world that have been led to the scaffold *in a mass*.

It results, that that sublime but terrible allegory of the *savage cutting up his tree by the roots*

in order to gather the fruit with greater facility *, was never more applicable than to yourselves, and that the ferocious vow of *assignats or death* has been completely fulfilled; for the *assignats* no longer existing, your governors have found *death* wherever they have turned their eyes; *death* to specie †; *death* to credit; *death* to commerce,

to

* MONTESQUIEU, *Spirit of Laws*.

† A long time has elapsed since M. DU PONT DE NEMOURS asserted, that all the specie in France was reduced to three hundred millions;—M. de FORBONNAIS formerly estimated it at two thousand millions, and M. DE CALONNE at nearly three thousand millions (of livres). It must necessarily have experienced a very great reduction since the period at which this assertion was made. In a well-regulated state of things, money must constantly experience a kind of flux and reflux, moving from the extremities to the center, and returning, in the same proportion, from the center to the extremities. But now all that falls into the hand of the Directory is lost to circulation, and leaves France never more to return. The Republican armies most certainly ruin Europe; but they begin by ruining France.

When, speaking of this destructive war, I observed that it had consumed more than twenty-five times the amount of all the specie in France, it was evident that I spoke of the fictitious and nominal value of the paper-money. I even expect that this objection will be opposed to me; but I shall reply by stating, that it was my intention to press you between the two parts of the alternative to which your system has reduced you. Either you really thought that it was in your power to provide for the millions of paper which you poured into the market in torrents, and, in that case, you were the most absurd of men; or you did not think so, and then you deli-

deli-

to manufactures, and to industry; *death* to the whole system of finance *; in short, to return to the point whence we set out, *death* to real property, that is to say, *death* to the first necessary element of a good government; *death* TO LIBERTY, TO JUSTICE, TO MORALITY, and

deliberately committed the most enormous, the most insolent, and the most fraudulent act of bankruptcy that ever was heard of.

* See the numerous messages of the Directory, during the last year, up to that of the 2d *Nivose* (or 22d Dec) inclusively, on the state of the finances and of the public resources; that is to say, on the *emptiness of the Treasury*, and the alarming increase of the *general distress*. See men the most eminent for financial and commercial knowledge, the most distinguished for their characters and their talents, answer all the questions of the Directory on its own plans by the word *impossible*. See, between two representatives of the people and one minister of the Directory, the revenue of the national estates remaining unfold, stated, by the first at FIVE HUNDRED, by the second at FIFTY, and by the third at EIGHT millions. See that report which fixes the arrears of contributions at FOURTEEN THOUSAND MILLIONS; which promises that they shall be paid in specie, because the debtors have suffered the time to pass when it would have been advantageous to them to pay in paper. Then see another, who says, that *the contributions are paid for ten years*, if what is due from the Government for objects put in requisition be taken in payment: then a third, who observes, that *there will be occasion for farther requisitions, and that if the arrears are not paid, there will be nothing for future expences, &c. &c. &c.*—Who can look forward, without alarm, to the last term of public misery, to the last excess of public disorder, and to the last explosion of public calamity?

to the STABILITY of your political establishment.

FRENCHMEN, let us now divide these four grand characteristics, and take a rapid review of the principal circumstances which ought to form the basis of our judgment of your real situation in its relation to each of them.

And, first, are you free?—No; for we are proscribed.

I like to quote *Jean Jacques* to your governors. They once decreed* that some extract from ROUSSEAU or MABLY should be inserted in their daily *bulletin*; I will select the passages for them.

It must not be supposed, said JEAN JACQUES, that an arm can be wounded or cut off without the pain being felt in the head; and it is not more credible that the general will should consent that one member of the State, whoever he may be, may wound or destroy another, than it is that the fingers of a man, in possession of his reason, should be employed to put out his eyes †.

* Decree of the 10th Messidor, 3d year, on the proposition of GUYOMARD.

† Discourse on Political Economy.

I promised to call upon your consciences to attest that solemn falsehood, which I termed a national blasphemy; the moment is now come.

The FRENCH NATION declares, that in no case will it suffer the return of those Frenchmen who, having abandoned their country after the 15th July 1789, are not comprehended in the exceptions to the laws passed against the Emigrants!

The FRENCH NATION interdicts the Legislative body to create new exceptions!

. . . * Here you all seem to interrupt me, and unanimously to exclaim—"No, the *French Nation* never uttered a single word either of that *declaration* or of that *interdiction*. At the very instant at which they were ascribed to it, the *French Nation* declared directly the contrary; the *French Nation* specifically demanded that the *Legislative Body* should create new exceptions. Victim of the second of September! you have said nothing to us now in favour of that description of exiles, which we did not say ourselves to our delegates at the time. Defender of the Emigrants! we have

* See the constitutional article before quoted.

“ loaded the horrible abuse of the victory at
“ Quiberon with more imprecations than you
“ have bestowed on it. Advert to the last
“ months of that Convention, whose relics still
“ harass us as well as you. Read once more
“ those unexpected declamations which sud-
“ denly turned an assembly against you, in the
“ minds of whose members, recollection only
“ produced a renovation of terror. What did
“ those furious voices exclaim in the midst of
“ all those tortured consciences? That *the Con-*
“ *vention could no longer be blind to its situa-*
“ *tion—that it was placed in a defile—that the*
“ *Emigrants must be prevented from returning—*
“ *that the Emigrants were every where pitied—*
“ *that in all quarters the Emigrants found pro-*
“ *tectors—that they already ceased to confine*
“ *themselves to the second of September—that*
“ *they already talked of a future epoch at which*
“ *the events of the 10th of August should be sub-*
“ *mitted to a court of justice—that two-thirds*
“ *of the Departments favoured, at least pri-*
“ *vately, a revolt in behalf of the Emigrants—*
“ *that even the members of administration con-*
“ *nected themselves with the protectors of the*
“ *Emigrants—and, lastly, that IF THE EMI-*
“ *GRANTS WERE BROUGHT TO TRIAL IN THEIR*
“ *RESPECTIVE DEPARTMENTS, THEY WOULD BE*

“ ALL

“ ALL ACQUITTED—ALL*—Thus, because the
 “ terrorists foresaw that you would all be in-
 “ duced to return after the establishment of the
 “ new Constitution, they resolved to repulse
 “ you by means of the Constitution itself. Be-
 “ cause they were alarmed at our benevolence,
 “ they ascribed their rage to us. While they
 “ exclaimed—*The nation recalls them*, they
 “ wrote—*The nation proscribes them!*”

Yes, PEOPLE OF FRANCE! all these different
 circumstances, all these contrary movements are
 still fresh in my recollection. But, still, while
 their rage excited your indignation, their man-
 dates insured your obedience. All polluted, all
 perverted as the constitutional act appeared to
 you by the sudden introduction† of that odious
 falsehood,

* I request that the accuracy of these quotations may be
 verified by a reference to all the journals of the time; par-
 ticularly to that of *the debates and decrees*; sittings of the
 Convention of the 1st, 5th, 11th, and 18th *Fructidor*; 8th
 and 11th *Thermidor*, third year, &c. &c.

† The Constitution was presented on the 5th *Messidor*; it
 was discussed until the 30th *Thermidor*, and it was only on
 this last day that the clause for proscribing the Emigrants
 was produced and carried, with the same rapidity as all the
 preceding clauses. Justice should be done to the *Committee*
of Legislation. Less weak than the *Committee of Eleven*, they
 had required the change of a single word, and that would
 have been sufficient to extract from the murderous clause al-

falsehood, you stamped it with the seal of your acceptance.

Yet none of us misconceived the business. We did not say at the time, when speaking of you, *they are cruel*; we said, *they are not free*. We were aware of the diabolical artifice employed to make your safety so far connected with our destruction, that you must have destroyed yourselves in the attempt to save us. Scarcely escaped from the massacres of ROBERSPIERRE, still trembling at the effects of his tyranny, you found in the whole of the Constitution shelter and repose: one only article appeared to you unjust; but it was imposed on you as a law to accept the *whole*, or to reject

most all the poison it contained. Instead of saying, *the French who ARE not included in the exceptions*, they wished the article to run thus, *the French who SHALL NOT BE included*. It is evident that, if this amendment had been adopted, justice, in a moment of greater calm, would have been supplied with a lawful means of reducing, almost indefinitely, the number of proscribed persons. I say, *in a moment of greater calm*; because it is impossible not to acknowledge that the descent at Quiberon, carried into execution during the discussion of the new Constitution, was one of the principal causes of the fatal addition. I have justified the right and the intentions of the combatants; I have done honour to the memory and to the heroism of the victims; but I know not who can become the apologist of the prudence of the plan, and the choice of the moment, of the chief, and of the measures.

the

the whole, in a mass. You were obliged either to reject the Constitution or the Emigrants, again to subject yourselves to the axe of terrorism, or to leave us in exile. Your choice was such as it ought to be, for you ran the greatest danger, and it was your duty to save France before you saved us; but certainly those men are not *free* who are compelled to be unjust against the declared wish of their hearts; those men are not *free* who are reduced to choose between iniquity and death; those men are not *free* who are made to sign *that they will not suffer our return*; when, before they signed, they loudly demanded our *return*; and when, after they had signed, they not only *suffered*, but encouraged, and favoured the *return* of all who could succeed in throwing themselves into their arms. And this must be the refuge of us all, if every other fail. Your hearts will save us in spite of your laws, if those laws should not be repealed: and I apprize all our implacable persecutors, that the day will come when they will be unable to find a single judge that will pass a sentence of death upon any Frenchman for returning to his native country, if, after his return, he has respected the established laws.

FRENCHMEN ! are those a *free* people, a respected people, to whom their governors at once submit a *constitution* which acknowledges their right of freely electing their own representatives, and a *decree* which robs them of that right * ? are they not, on the contrary, an oppressed and insulted people ? Are those a free people against whom these pretended mandatories discharge batteries of cannon loaded with grape-shot, in order to obtain from their destruction the post which they ought to receive from their confidence ? Memorable epoch of *Vendemiaire* ! which the lies of tyranny have in vain attempted to stigmatize, but which the voice of truth has effectually screened from pollution. An epoch, the misfortunes of which might possibly be occasioned by some acts of imprudence ; but which will ever remain consecrated by the defence of the purest principles, and of the most sacred rights, by the courageous devotion of genius and virtue, and still more by the happy impotence of the unjust victors, who, in the midst of their triumphs, found themselves unable to destroy, by the hand of their *justice*, such of the vanquished as their cannon had spared. Thanks and homage be paid

* Decrees of re-election, 5th and 13th *Fructidor*, An. 3.
— 20th and 23d August 1795.

to you, immortal juries! whose declarations*, repeated throughout Europe, announced to France the first dawn of that long-desired day on which trials were regulated by the rules of justice. Thanks and homage be paid to you, martyrs of *Vendemiaire*! who, dragged from tribunal to tribunal, from prison to prison, neither betrayed your own innocence nor public liberty. You rather chose to combat the oppression you sustained, than to bend beneath its weight; and your voices, long lost in the silence of the dungeon, only resounded with greater force against the tyrants, at the moment when they were compelled to relinquish their prey.

Every thing that could be said either on *the law of the 3d Brumaire*, or on the *amnesty of the 4th*, has been said, and with a degree of energy that I should in vain attempt to equal, much less to surpass.

Yet it is impossible not to mention at least the title of such decrees as those, when I ask the People of France whether they are *free*? Hav-

* Particularly the famous declaration, *that if there had been a plot, it had been formed by the Convention, and not against the Convention.*

ing once named the title, it is impossible not to remind you ;—

That these decrees owe their origin to the 13th *Vendemiaire*, to that day on which the same Convention which had condemned Louis XVI. to die for having caused a single regiment to be encamped in the *Field of Mars*, swept the streets of Paris with cannon loaded with grape-shot :

That, emboldened by that dreadful victory, the Jacobin faction, although *mutilated by its own hands* *, thought it could succeed in re-establishing the revolutionary Government, and the reign of terror :

That after having subjected the Convention to the ferocious yoke of the Tribunes †, and to the bloody point of the bayonet ‡, it dared, suc-

* Speech of the Representative *Thibaudeau*.

† *The Tribunes governed the Convention at that time in the same manner as in the fatal days when their influence was the greatest.*

Speech of THIBAudeau.

‡ *In the very hall in which the Representatives of the People were assembled, armed men openly influenced the opinions of Members, and the decrees of the Convention. The Convention deliberated in the middle of a camp. One man united in his own person the terrible power of the Military and of the Tribune.*

Speech of THIBAudeau.

cessively,

cessively, to propose;—*the establishment of a commission to frame efficacious measures*, that is to say, a new Committee of Public Welfare;—*the release and the restoration to power of all persons confined, dismissed, and accused since the 9th Messidor, with the exclusive privilege of bearing arms*, that is to say, the renewal of the massacres of the 10th of August and of the 2d of September;—*the accusation and arrestation of several members of the Convention for being the accomplices of the Sections*, that is to say, a new thirty-first of May;—*nominal and public appeals; domiciliary visits; the banishment of all the enemies of liberty; to set aside all the elections, and to dissolve all the Electoral Assemblies in France; to divide the Convention into two Councils, and to nominate the Directory without waiting for the new Third; to send new missionaries into all the Departments; to revive the law of the Maximum, &c.*—That is, to effect the complete subversion of the Constitution which they had just sworn to maintain, to renew all the crimes of the Revolution, and to revive the pro-consuls of *Nantes, Arras, and Lyon.*

It is necessary to repeat to you, that when a part of these disastrous measures had been extorted by the influence of terror, the *Commission*
of

of Five, stopped by the unforeseen courage of certain legislators, in the midst of its tyrannical acts of violence, obliged at least to soften and disguise them, devised the law of the 3d Brumaire, as the most proper substitute for all those horrible conceptions which it was not suffered to realize.

It is necessary to remind you, that one of your most distinguished representatives, one of those who now enjoy the greatest share of your confidence, when he voted, this year, for the repeal of the law of the 3d Brumaire, defined it to be, *a law contrary to the spirit and to the letter of the Constitution, and one that the Convention had not the power to make*; a law, adopted as a substitute for the plan formed for dissolving all the Electoral Assemblies, and intended to annul, as far as possible, the choice of the people; a law vomited forth by the volcano which a faction had enkindled under the Constitution; and which was not the result of the free deliberations, nor of the deliberate reflection of the National Convention; a law of proscription, which even extended to the relations of its victims, and was placed by the side of an amnesty which absolved all the assassins; a law which, thus connected, proclaims to the whole world, that in the Republic of France
the

*the law spares crime and attacks innocence; a law after which nothing remains but to strew flowers over the tombs of CARRIER, JEAN LE BON, and ROBERSPIERRE *!!*

FRENCHMEN! all this was said, by one of your representatives, to the Legislative Body, and all this was repeated in the two Councils by twenty other representatives, who, at that epoch, maintained a struggle of morality, of courage, and of eloquence; and all such of you as attended to these debates joined your voices to those of your representatives. And yet the *quinquenviral law* has been enforced as well as the *law of Collot d'Herbois*. And you are now told again that you are *enchained* by that law in the approaching elections! And while they tell you that you are *enchained*, they add that you are *free*! And the same men who say, *we have given you a Constitution*, add, *we forbid you to exercise the rights which it secures to you!*

You *free*! great God! and, not only among your exiled fellow-citizens, but among yourselves, on that soil which you hear incessantly called the soil of liberty, you see every minute a

* This is literally transcribed from M. THIBAudeau's speech.

scene of tyranny and degradation renewed, of which the whole world affords no example. Not the most absolute monarchies of the West, the most uncivilised tribes of the North or of the East, Siberia, Thibet, nor any corner of the globe, exhibit any thing that can be compared with that mass of *twenty thousand citizens* incarcerated without offence, and without accusation; with those *twenty thousand priests* imprisoned by your executioners, claimed by your consciences, released by your Constitution, detained by your Government; by your Government which declares that it has neither food nor clothing to give them, and which nevertheless refuses to give them their liberty. And yet you have a declaration of rights, which states, that *no man can be arrested or detained, except in such cases as are determined by the law* *. You have a Constitution which lays it down as a principle, that *no man can be prevented from exercising, in conformity to the laws, the mode of worship which he has chosen for himself* †. You have a code which provides a punishment for the *crime of arbitrary imprisonment*, and which subjects the Directory itself ‡ to that punishment. You have

* Art. 8.

† Art. 354.

‡ See the *penal code* and the 145th article of the *Constitution*.

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two legislative councils, in which Justice exclaimed against this attempt, and Humanity deplored the fate of the unhappy beings against whom it was directed. You have, lastly, your own concurring opinions and sentiments, which our enemies have never yet been able to suppress, and which do not cease to solicit the liberation of those religious victims of tyrannical impiety. The voice of the People, the will of the Legislature, the accents of Pity, and the precepts of Justice, have all been set at defiance; and while I am writing, these twenty thousand victims are living or dying, pierced with cold and consumed by hunger.

You *free*! when among yourselves, SEVENTY THOUSAND OF YOUR CITIZENS, who never left France, have been trying in vain, for three years, to get their names erased from the lists of *Emigrants*, on which they were inscribed by perfidy or mistake, and in the meantime, are deprived, some of them of their patrimonial property, others of their political and civil rights, and all of their repose and their security*.

You

* "Cast your eyes on that *innumerable* class of unfortunate men who have never left the country, who have been expelled from their homes by anarchy, pillage, murder ;

You free! when the political and civil incapacity, pronounced by the law of the 3d Brumaire, is applied to the relations of the persons *accused of emigration*, in the same manner as to those of acknowledged Emigrants; by which means *two hundred thousand* families become suddenly involved in the interdiction of *seventy thousand* persons, whose names are inscribed on the lists*.

You free! when, in contempt of ten articles of your constitutional act, the decision, with regard to inscriptions and erasures, the rights, the conditions, the fortune, the existence of those

“ der; and who have been inscribed on the lists of Emigrants,
 “ as on a list of proscription—fathers of families who have
 “ never left their houses, old men who have never quitted
 “ their beds, representatives of the people who have never
 “ forsaken their post, are classed among the persons accused
 “ of emigration.”

*Report made to the Council of Elders by M. PORTALIS,
 on the 18th February 1796.*

“ The Department of *Aveyron* is that in which there are
 “ the fewest Emigrants. Yet the supplementary list bears
 “ the names of ONE THOUSAND AND FOUR, OR ONE
 “ THOUSAND AND FIVE; and while I can attest to you, that,
 “ of this enormous list of proscription, there are not more
 “ than SIX NAMES which have been fairly inscribed as those
 “ of real Emigrants.”

*Speech of DU BREUIL in the Legislative Body, on the
 24th of August 1796.*

* Decree of the 18th February 1796.

seventy

seventy thousand individuals, of these two hundred thousand families,—let us speak out,—the rights, the condition, the fortune, the existence of all Frenchmen have been abandoned by Law to the discretion of five Directors and of their Minister*!

You free! when there is not one of you who may not, by means of that brief inscription, be suddenly removed from all offices, and deprived of your elective franchise;—what do I say?—Not one of you, who, in virtue of the *Emigrant's Code*, in virtue of the only *Laws* that are observed, may not, in the space of three hours, be inscribed on the fatal list, dragged before a commission, confronted with two miscreants of acknowledged civism, and given over to the executioner without delay, remedy, or appeal†!

* Decree of the 18th February 1796.

† See the text of the *Laws* before quoted.—You a free people! . . . *Cædatur virgis in medio foro civis Romanus* . . . Ob quam causam? *Dii immortales!* . . . *Locutus erat liberius de istius improbitate ac nequitia* . . . *O nomen dulce Libertatis! O jus eximium nostræ civitatis!* . . . *Hucine tandem omnia reciderunt, ut civis Romanus ab eo, qui beneficio populi Romani fasces et secures haberet, deligatus virgis cæderetur?* . . . (Cicero in Verrem de Suppliciis.)

And this, PEOPLE OF FRANCE! leads to my second question;—Are your *Laws just*?

You must certainly be aware that this question has been already answered. I have not a word to add on that *justice* considered as a *duty*; but I have much to say on it, in its relation to your *interest*.

The following was a beautiful thought of MABLY's, and I advise your Governors to enrich their *bulletin* with the passage:—"That
" man is guilty of blasphemy, who says that
" God has made human reason so far to con-
" tradict itself, as to advise in the name of
" policy what it forbids in the name of mo-
" rality*.

I am sensible that, in the present times, the pretension of uniting in the same person the statesman and the man of worth, appears ridiculous, if not scandalous. Because the name of virtue has been prophaned by hypocrites, cynics profess the doctrine of vice. The most that is done, in cases where the open display of immodesty would be attended with too much danger,

* PHOCION, fourth discourse.

and the necessity of deceiving is joined to the desire of injuring, is to place morality on the lips, in forbidding it to approach the heart.

*Were I to repeat, in a hundred different ways, that prosperity founded on injustice is but a transient prosperity, I should be taken for a dreamer. Were I to say that the system of policy which avarice and ambition establish is always a ruinous system, nobody would understand me. Were I to oppose the most solid arguments to the false and perverse doctrine of MACHIAVEL, I should prove that, in the course of two centuries, not one state has derived the smallest advantage from it;—but what would be the fruit of my labour? Thus spoke, twenty years ago, that same MABLY *, of whom it is the boast of your legislators that they are the disciples.*

What would the man who was so far discouraged at the corruption of that day have ventured to hope for from the phrenzy of the present times?

Yet every thing has an end. Some ray of light will penetrate the eye that is the most ob-

* "Principles of Morality."

stinately bent on resisting its entrance; there is a point beyond which imprudence itself dares not advance a single step; and the moment comes at last when the most hardened iniquity shudders at its own work, and at the dangers which it has accumulated on its own head.

If it were only an equivocal act of *injustice* that I had to discuss with you, which might admit of palliation or disguise; a secret act of *injustice* which might escape notice and not betray its author; a partial or accessory act of *injustice* which injured but a few individuals, and did not serve as a basis to the system of the whole political association; an act of *injustice* which had been repaired and which allowed of a balance of good against evil; or, lastly, a transient act of *injustice*, of which it was possible to lose the memory or remedy the effects; you might suspect that my own *interest* dictated the judgment which I pronounce on your's; or, at least, smiling at the austerity of my principles, and answering my complaints of your Republic by a repetition of the vows which PLATO offered up for his, you might tell me, that governments, like men, are not made for perfection, that every one has its defects, and that your's, exhibiting a mixture in
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which good and evil prevails in a greater or less degree, will go on like so many *others*.

But observe, PEOPLE OF FRANCE! that I now denounce to you, not one act of *injustice*, but a series of such acts, a *complete system of iniquity*, the most incontestable, the most scandalous, the most universal, the most absolutely incapable of supporting any thing that is good, and the most necessarily condemned to perpetuate every thing that is bad.

Discuss, investigate, as much as you please, all those laws of ROBERSPIERRE, of COLLOT d'HERBOIS, and their successors; you will never find them to contain any thing more than theft and murder, murder and theft. Between ROBERSPIERRE, who sequesters all the property belonging to the relations of Emigrants, and the men who, after him, declare the succession of the living to be open, in order that they may confiscate it as the property of the eventual heirs, on whom they inflict a civil death while they refuse to admit their natural death, it is difficult to say which best deserves the horrid palm of *injustice*.

But all these acts of *iniquity* are *laws*; they have been promulgated. They were not only known after they were passed, but were objects of attention while they were passing. The debates which gave birth to them had witnesses first, and afterwards historians. It is known by what arguments they were supported and by what opposed. It is known, for instance, that when the decree was proposed which had for its object to render the National Treasury heir to citizens, and to living citizens too, one of your representatives * asked, *Can we be blind to the execration which we must incur if we give our sanction to a measure so unjust?*—It is known that another † exclaimed, *I must say, that, on reading these atrocious calculations, astonished and disgusted, I thought myself transported by a miracle into the council of NERO.* It is known, that the only answer given to these effusions of a noble indignation, in the Legislative Body, was, that *principles alone were not sufficient; resources were necessary, and the best resource was to TAKE the property of the Emigrants and of their relations.* It is known that the resolution of the *five hundred* was once rejected by those *elders* who are perhaps destined to save France; that, in order to

* M. CORREN-FUSTIER.

† M. DU MOLARD.

extort their sanction, they were threatened with the rigid observance of ROBERSPIERRE's sequestration, that is to say, that the Republic should *take* every thing by the right of force, in case any attempt were made to oblige them to restore every thing in the name of justice. *Lastly*, it is known, and is still daily repeated, that the men who perpetuate this legislation of ROBERSPIERRE's are the same who proclaimed ROBERSPIERRE to be a MONSTER, and who have affected to unite in their own persons the right of punishing with the right of imitating him. Now take all times and places, governments and individuals, and I defy you to produce a single instance in which *iniquity* appeared so barefaced, in which profligacy attained to such a height of enormity.

Which of you does not perceive, which of you does not feel, that this *iniquity* is universal, and circulates through all the organs of the body politic? It fills more than one half of your civil code. It constitutes the sole basis of your fiscal system. Your constitutional act was on the point of being exempt from it, and it would then have presented a beautiful theory; but force was employed to inflict this stain upon it. Those two dreadful words which I cited at the beginning of this discussion, *Pillage and Proscription*, are

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incessantly

incessantly presented to you, and presented to you as the end, the principle, and the support of your Republic. These words, too, pronounce your condemnation as well as ours. FRENCHMEN! do you not then perceive the danger that results to all descriptions of persons, to each individual, from the indefinite proscription of a whole party, of the Emigrants in general? Ah! If it fell to my lot to make laws for you, I would not even proscribe the JACOBINS! Crime, and crime only, crime clearly proved, the crimes of individuals, can alone be condemned by the law, can alone be objects of punishment. But when proscription is once admitted as a political resource, it soon passes from one party to another, and knows neither end nor bounds. OPIMIUS begat MARIUS; MARIUS begat SYLLA; SYLLA, CATILINE; then CLODIUS, ANTHONY, LEPIDUS, and OCTAVIUS. Your most ardent revolutionists, as well those whom you honour with your regret, as those whom you load with execrations, have all, or nearly all, fallen victims to this first principle of proscription; and the bloody scythe will remain suspended over your heads so long as you suffer the impulse to subsist.

And even while it spares your lives, does it not incessantly mow down every thing that can
render

render them dear to you? I appeal to yourselves:—Which of you, on consulting his heart, can say that he is without apprehensions, not only for his life but for his liberty, his condition, his property, his sustenance, and the sustenance of his family? Those thousands of purchasers of whom the government made a sudden demand of *fifty times* more than they owed, from whom it took the estates which they had bought without returning that part of the purchase-money which they had already advanced; those *two hundred thousand* families who have been despoiled or degraded by having their names falsely inscribed on the lists of Emigrants; those *three hundred and eighty-six thousand* public creditors, among whom so many fathers of families are seen, without pity or remorse, to expire in the torments of hunger, or the horrors of suicide; that *million* of men, who were our creditors, whom we should have paid, whom the Republic will never pay;—are not all these victims to the same iniquity to which we are sacrificed,—of that iniquity the principle of which may be destroyed, but the effects of which never can be limited?

It is impossible to enter into particulars; but were it practicable, and I were allowed to interrogate you one after the other, what dreadful
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communications should I receive! One would tell me,—“*I can prove that I have only received from my estates the net sum of eight thousand three hundred livres, while I have been made to pay thirty thousand livres in contributions*.*” Another would say, “*There is not one farmer in our departments who has not had a demand of twelve thousand livres made upon him, at the same time that they took from him his oxen, his corn, his hay, and his horses†.*” A third, “*The requisitions have taken from us the whole produce of our lands, while we have not received a single penny, and now they exact from us the taxes which that produce was to have paid. How can we pay when we have received nothing‡?*” A fourth, “*I am one of that crowd of citizens against whom they wish to enforce all the rigours of the fiscal code, even while they admit the impossibility of their paying the imposts exacted||.*” A fifth, “*I have escaped from that assemblage of MEN, OR WOMEN, ACTIVE, NEUTRAL, OR PAS-*

* DUBOIS DE CRANCE, on the exactions practised in his Canton.—Sitting of April 29.

† Confessed by the Deputy LE COINTRE in his speech on the western departments, on the 12th of July 1796.

‡ Speech of JOHANNOT in the Council of Elders, September 29, 1796.

|| Speech of LACOMBE ST. MICHEL, June 26, 1796.

" *live in the Revolution, PATRIOTS OR REBELS,*
" *who, for three years, have been wandering*
" *among the tombs, and supporting themselves*
" *with bread, moistened with their tears, and*
" *kneaded with the ashes of their houses and*
" *the bones of their friends*.*" This man

would tell me, "In return for the services
" which I have rendered, and the sacrifices
" which I have made to the Republic, my for-
" tune is swallowed up and my head threatened."

That man would say, "While I was shedding
" my blood for the Republican Government,
" it confiscated my property and massacred my
" father, and I have not yet been able to re-
" cover the one or to revenge the other." All

would deplore some species or other of uneasiness and torment, their precarious possessions or their disgraceful acquisitions, their hidden grain or their buried specie, their invaded fortunes or their dispersed families, pains without consolation, losses without indemnity, the sterile hatred and devouring terror of oppression, in short, a life disturbed by fear, poisoned by grief, and threatened by tyranny or despair;—which-

* Speech of CHAPELAIN, Deputy from LA VENDEE, on the 6th of June 1796.

every way we turn misfortune meets our eye, for every where *injustice* prevails.

And how is it possible that a species of injustice the essence of which is so clearly demonstrated, which is so scandalously public, and so completely universal, should not exclude every thing that is good and every thing that is pure? Nay it does more than exclude goodness and purity, it corrupts them. Thus you have seen the homage which I paid to twenty articles of your Constitutional Code, and to the general intention which seemed to me to have influenced its adoption; that homage was sincere, it was deserved:—but on examining the code, it appeared that iniquity, with a single class, had annulled all these articles, corrupted all this intention, and belied all this homage.

Thus, in your two Councils, you respect and cherish men who are really worthy to be the restorers of public justice and felicity; but they are left in a minority; and Injustice, armed with the law of the 3d Brumaire; Injustice, with the book of proscriptions in her hand, and the inscriptions in her power, can so far command the suffrages of the Legislative Body, as to reduce reason and
virtue

virtue to maintain an impotent struggle against folly and crime.

Thus, when your tribunals, those sanctuaries of civil liberty to which political liberty so often flies for refuge, began to inspire confidence and veneration, which constitute at once their strength and their reward; iniquity produced a written law which ordered them to assassinate. They wept while they obeyed the law, but still they obeyed it. While I was congratulating France upon her new judicial order, France saw the unhappy Cussy judicially massacred in her capital.

Lastly, let me ask, whether this system of *injustice*, whatever be its nature, is, at least, transitory? Does it admit of repair? Can its principle be preserved, and its action rectified? No, it must be destroyed; it cannot be repaired. A new road cannot be marked out before the present precipice is filled up; otherwise *one abyss will always lead to another* *. Review, yourselves, the horrid genealogy of all these crimes which have successively sprung from each other. At first seditious proscriptions appear, which lead to legal proscriptions. These last begin by

Abyssus abyssum invocat.

attack-

attacking individuals, then a number of individuals, then whole descriptions of men *in a mass*. From the triple impost we pass to the general sequestration, from sequestration to confiscation, from confiscation to banishment, from banishment to murder. At first, those only who have taken up arms are threatened, next those who have fled, afterwards those who have been banished, and lastly those who have remained in the country. For some time the difference of age and sex is respected; but the moment at length arrives in which the mother and the child, the sister and the brother, fall pell-mell and mingle their blood together. One only distinction remains between the enemies of the revolution and its partisans or docile slaves; even that distinction is destroyed, and, as your own legislators have themselves asserted and proved, *Patriots or Rebels, men active, neutral, or passive in the Revolution*, are exiled, massacred, and despoiled by the Revolution.

And can order ever proceed from such a chaos as this? Can respect for property be revived by a perpetuation of plunder? Can mild and beneficent laws be observed, at the same time as laws which prescribe the assassination of women and children? In short, can contempt
beget

beget respect, terror produce confidence, hatred and horror be converted into love and union?

—No. When men will take a *system of injustice* such as I have described, for the principle of their government, they condemn themselves to follow its whole progress, and to reap all its fruits. It was but lately that one of your upright representatives exclaimed, on the subject of a proposition which is now a law, *I think myself in the council of NERO*. Well then, let the NEROS of France, wherever they be, reflect on the speech of BURRHUS to the NERO of Rome*, and learn that in this comparison the balance of dangers, as well as the balance of crimes, is against them.

The tyrants of antiquity, either by observing a gradation in their cruelties, or by breaking off all communication by the influence of terror,

* “ You must proceed from crime to crime, maintain your present acts of rigour by fresh cruelty, and wash your blood-stained arms in fresh blood. Britannicus expiring will stimulate the zeal of his friends, who are all ready to espouse his quarrel. These avengers will find new defenders, who, when they die, will be succeeded by others. You are enkindling a fire that will never be extinguished. Dreaded by the whole world, you will have the whole world to dread; you must always be punishing, always trembling in the midst of your projects, and must consider all your subjects as your enemies.” *Racine*.

could

could escape for a long time that universal hatred which they deserved, and secure themselves from the danger of being denounced to the whole empire at once. But our modern tyrants have not only committed all crimes that were known, but many that were unknown; and all these enormities have been revealed not only to France, but to the universe. Not one of them can now be effaced,—except by repentance. One hour's labour is now sufficient to carry to the extremities of the earth the cry of the oppressed and hatred of the oppressors. It is the least we have a right to expect from the art of printing, which in these times has been rendered so subservient to the purposes of guilt, that it should not always be instrumental to our calamities. By means of it calumny excited a blind rage against us, and by its means truth will restore us to the protection of an enlightened benevolence. Even the book which I now write, all-imperfect as it is, will be allowed to have its grain of weight in the scale of human judgment. Our fellow-citizens will there find the manifestation of our innocence, and our benefactors the justification of their generosity; our enemies the monument of their crimes, and our despoilers the receptacle of our rights. This book will penetrate all hearts, will remove all doubts, will keep

alive all recollections. It will make those criminals turn pale from whom it will not extort a tear. It will have prophesied the destruction of the tyrants if it does not soften their hearts; it will have extended their disgrace and accelerated their fall, if it does not excite their remorse and produce a change in their conduct.

No, men are not to be governed, much less is a government to be erected, under such a load of ignominy and with such a mass of iniquities. With such a system you may set the world in flames; but you can never escape from them yourselves. You may send fifty thousand ARTILLAS to lay waste the beautiful plains of Italy, but you will not pacify France, nor ever reduce her to subjection; and without peace, without submission, you will neither save France nor yourselves. All the means of terror and wickedness which a spirit of Machiavelism could suggest, have been tried and exhausted: the only resources that now remain are justice and morality; they must save France, or France is lost.

It is an egregious mistake to suppose that the present state of France can be compared with that of a territory which is divided between a conquering and a conquered people. In the last

case, one party know that they must live resigned, and the other that they must remain united. But here neither resignation nor union is any where to be found. There are not two distinct parties who may, in time, combine and form one whole, but one nation and a thousand intestine divisions; the great family torn into pieces, and the private families undergoing the same fate; brothers either forcibly separated or armed against each other; fathers or children with despair or parricide in their hearts; oppressors who have no more good faith towards each other than they have towards the objects of their oppression; in short, anarchy, misery, and crime cover the whole surface of this victorious land, and avenge the conquered world:

Scelus incubuit victumque ulsciscitur orbem.

The example of *Romulus* is not more apposite. No doubt he founded his Republic with a banditti, but not with plunder; the difference is enormous. He invited those who had been criminal in other societies to become innocent in his own; which is very different from the conduct of persons who lead men from innocence to crime by the means of seduction or the influence of terror. He made them acquire and build in common, which was very different from making

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making them pillage and destroy each other. In short, while he kept his new tribe * within the limits of duty by the force of a military Government, he began to prepare for them that milder and more powerful check which his successor completed,—the check of religion, of laws, and of manners.

Manners, PEOPLE OF FRANCE! Aye, and *pure manners* too. Do you possess that grand basis of every hope? Has your Republic secured that first condition of her existence?—This is the third question which we have to examine. It is much less simple than those which we have already discussed; for it would be possible for France to have *pure manners*, and the French Republic to have *impious manners*.

In those beautiful and unfortunate countries of India, so favoured by nature and so rent by anarchy, there is a population of one hundred millions of men who are called *Gentoos*, because they are the original inhabitants of the country. This immense population is in a state of subjection, but is nevertheless stained by none of those crimes which for ages past have agitated

* And the newness and smallness of this tribe too make some difference; to say nothing of times, places, &c.—

and convulsed the moveable scene of its Government. While Tartars, Arabians, Persians, highwaymen * turned conquerors, and mace-bearers † raised to the throne, have imprisoned and poisoned each other, and wallowed in the blood of their enemies, of their subjects, and of their own families, the hundred million of *Gentoos*, faithful to their ancient character and to their primitive religion, offer to the Divinity hearts as pure as ever, and breathe to all around them a spirit of charity as beneficent as ever. The ties of nature, the faith of marriage, the bonds of friendship, and the duties of hospitality, are still holden sacred by them. Even their misfortunes soften their minds by pity more than they irritate them by *injustice*. Murder is less an object of their fear than of their detestation; and their compassion for their persecutors is still stronger than their hatred. Every character is distinguished by some mark of courage; the leading feature in theirs is the determination to live and die virtuous ‡

FRENCHMEN!

* *Sha-Nadir, Abdala, Angria, Jaffer, &c.*

† *Abdala* was servant to *Nadir*, before he became, like his master, chief of a band of robbers, and afterwards a conqueror.

‡ When that famous *NADIR*, removed from a den of banditti to the palace of the *Sophis*, crossed a desolated country,

FRENCHMEN! I am well aware that there are millions of GENTOOs in our unhappy country. But does the region of the Government, then, contain nothing but *Tartars* and *Arabians*? God forbid, I should be so unjust as a man, so ungrateful as a Frenchman, as not to acknowledge the efforts, often sublime, the superintendence, always salutary, of the men whom your enlightened suffrages have placed either in your councils or in the different branches of your political establishment, since the appearance of your new Constitution. I commit violence on my own feelings in forbearing to pay a personal homage, that might expose those on whom you have placed your hopes to the attacks of calumny. But let those pure and courageous men know, that, every time they employed their eloquence in the defence of sacred rights, or in

500 leagues in extent, in order to rob the Mogul's Treasury, a *Gentoo*, without troops or arms, presented himself, singly, in the high road, before the ferocious conqueror, and seizing his horse's bridle, said, "*If thou be a God take us for your victims, but if thou be a man, spare thy fellow-creatures.*" "*I am not a God,*" replied NADIR; "*but I am sent by God to chastise nations,*" and, disdaining to attack an individual, he made *Deli* experience the horrors of fire and sword for eight whole days. The *Gentoo* regretted the life which had been spared, but did not think himself authorized to put an end to his existence.

opposition to perverse laws, amidst the acclamations that surrounded them on the very theatre of their glory and their benefactions, there were places of exile also to which their speeches carried consolation, where, read with emotion by their fellow-citizens, they were repeated with pride to foreigners; where their zeal is loaded with benedictions, even by those who do not reap its fruits, but whom nothing can prevent from feeling that they have one common country.

Yes, doubtless, at the last elections, in spite of the dyke thrown up by the faction of terrorists, there was a grand and a happy irruption of *morality* on the soil which the Government attempted to guard against its entrance. Yes, for the desire of what is right, for the revival and propagation of the principles of order and justice, for the direction of common efforts towards one salutary end, there is henceforth, a point of contact established between the probity of an immense party of the governed, and that of a portion of the Governors. Less wretched and more powerful than the devoted people to whom I just now adverted, you seized the moment of a combat between your tyrants to force the astonished victors to open to you the paths of morality,

morality, and even to enter them with you. But they soon drew back, and returned, with phrenzy, from those new roads to their own beaten paths; but they had already united you, and while they ranged themselves anew in battle against you, they left you in possession of arms for your own defence. Although they have since obtained too many victories, they have all been disputed; and you have defeated them more than once. In short the contest still continues, and you are on the eve of a decisive action. If, with the Constitution in your hand, and your country's dangers before your eyes, if, thoroughly acquainted with your rights, prudently calculating your strength, and calmly attending to the dictates of your conscience, you prepare, at the next election, a reinforcement of good representatives for those which you returned at the last, the party of *morality* will triumph, and France will be saved.

But in the present state of things, in the dreadful disposition which the Government now exhibits between a virtuous minority and a majority of terrorists, the *manners* of the former can only be considered as *private manners*, they are the *manners* of such an individual who is member of a council, or of a tribunal, or of an

administration: The *public manners* are and can only be the manners of the majority.

It is possible, and I am willing to believe it is so, that numerically the first are *the manners of France*; still the second politically are not less *the manners of the French Republic*.

The nature of the laws, the action of the Government, and the consequences of both, constitute *public manners*. I have shewn you what is the nature of the laws, and every instant brings us back to this dreadful truth. Tyranny and iniquity, rapine and murder, compose or corrupt the whole of your political, civil, and fiscal legislation, and form *your public manners*.

The action of the Government does not require many more words to explain, whether in its most extensive signification we apply this denomination to all the parts of the political establishment; or whether in its more limited sense we confine it to the executive part; in the first point of view, the Government maintains and strengthens these laws; in the second, it executes them, urges the adoption of others of a similar tendency, and violates the small number of those which the vigilance of

virtue has contrived to extort from the distraction of immorality. By the following brief exposition, we may be enabled to form a judgment of *the manners of the French Republic*.

At home, we see whole departments again placed under the power of the old Commissaries of ROBERSPIERRE; twenty thousand men thrown into prison for religious opinions; continual attacks made on French liberty, and on the last rampart * which protects its remains; a constant contempt of the wishes, the wants, and the torments of the people; a rooted aversion from peace; the sentence of M. DE Cussy, and the festival of the 21st of January.

Abroad, we see the most brilliant laurels tarnished by the most scandalous abuse of victory; the conquerors of *Mantua* dragged before the walls of *Rome*; the noble rivals of the ARCHDUKE CHARLES transformed into contemptible oppressors of PIUS VI.; war without pretext, conquest without glory, triumph which can only be that of a sanguinary vanity, a cynical love of plunder, or a sacrilegious insanity; and lastly, the monstrous project of rendering universal the

* The liberty of the press.

system of social disorganization*, and of disfiguring, if it be possible, the whole human race.

Such is still the action of the French Government; such are the *manners of the French Republic*.

What have this description of laws and this action of Government produced, and what will they produce so long as they are suffered to subsist? The consideration of this question would lead me into a boundless discussion; but time presses, and I shall confine myself to some of the principal effects.

This is the first of all;—that it is the distinctive character of *the manners of the French Republic* to be in direct contradiction with its existence. Either the Republic must destroy its *manners*, or its *manners* must destroy the Republic;—there is no medium.

If ever men agreed on any moral and political truth, it was certainly when in the most remote

* Republics in *Italy*, Projects upon *Ireland*, Malefactors landed on the Coasts of *England*, in the same manner as the *Carthaginians* threw pots filled with vipers into the *Roman* galleys, &c.

periods,

periods, and in the most distant places, they declared or acknowledged what ought indispensably to be the character of the Supreme Governors of a Republican State.

As in Republics every thing is positive; as, in order to inspire respect and confidence, that is to say, submission, temporary magistrates have neither the imposing aspect of a power which has stood the test of ages; nor that irresistible charm which, when the same blood has flowed in the veins of thirty sovereigns, makes us see its source above our heads; nor that privileged situation which allays the intoxication of power by the effect of habit, and finishes by making it its interest to be just; it is necessary to find a substitute for all those resources of which a Republic chooses to deprive itself. That substitute is every where the same,—it is PROBITY, it is VIRTUE. Mere presumptive morality is not sufficient here; for it is not a multitude that act, but a very small number of individuals, and if it be necessary that a particular class of men should be admitted to have votes in the adoption of laws, it is never necessary that any individual should be chosen to guard or to execute them, on the contrary it is necessary that no individual should ever become the object of such a choice.

Do

Do not therefore take it for a platonic idea, but for a practical truth, a rigid principle, that the supreme magistrates in a Republic must be men of spotless *Probity*, of unequivocal *Virtue*, or the very existence of the Republic is in danger. See all the examinations, proofs, and pledges which SOLON exacted, not only from the magistrates who should be called to govern the people, but even from the orators who should be suffered to harangue them. See by what pains, by what excommunication he punished both those who had usurped and those who had borne false testimony. *The ministry of the altars*—said the religious SOLON—*does not require greater purity than the magistracy in Republics.*

PEOPLE OF FRANCE! I make no personal reflections; I even think it a duty to you to throw a kind of inviolability over the persons who are actually placed at the head of your Government. After the horrid shock which has so shattered the vessel of the state, I see nothing but the manœuvre of the moment; I bless the pilot who steers it into port; and I only hate the man who abandons it in the midst of the storm.

It is solely then in their public conduct, in their collective action, that I here look for the
characters

characters of those who govern you ; and it is in their present conduct and action ; for I no longer attend to the evil which a man committed yesterday, when I see him doing good to-day.

Alas ! it is too true that I began this work under far more happy auspices than those which mark the epoch at which I conclude it. There are instances in which I may be thought to have shewn too much indulgence at one time, and too great severity at another ; but I should be still happy to quit those painful sentiments, for sentiments of a more pleasing nature, if a more durable repentance, effacing the crimes which have been multiplied while I have been writing, would restore me to those ideas of consolation and hope which encouraged me to begin my labours.

But at the point at which we are now arrived, in the crowd of circumstances which we have passed in review, do you not perceive the very contrary of what ought to exist ? Do you not see the necessary exclusion of Probity and Virtue where their empire is indispensably necessary ? What honest man can approach such laws for the purpose of executing them ? What criminal can undertake their execution without becoming still more criminal ?

PROBITY !

PROBITY! VIRTUE! And while I ventured to hope that the voice of remorse would impress their dictates on their hearts, they went in pomp to belie their consciences, to abjure humanity once more, again to call him *perfidious* whom they had boasted of having betrayed, again to call him *tyrant* who rather chose to perish than to shed one drop of their blood! they went to rejoice in commemoration of a murder! to renew the assassination,—of whom?—of LOUIS XVI. Where? In one of the *Icehouses*? On the horrid *Place* where Nature taught animals to bear witness against the ferocity of men *? No.—In a temple! in a temple which formerly ranked all that was most solemn in religion with all that was most pure in virtue; in a temple which they stole from God to give to crime. At least ROBERSPIERRE only celebrated madness in that temple under the name of *Reason*; but you now dedicate it to PARRICIDE! . . . Great God! a popular festival, when the people fly

* At one of the allegoric *festivals* given by ROBERSPIERRE, the oxen who drew the car of liberty, stopped short at the entrance of the *Place de la Revolution*, disgusted with the smell of the blood with which it was filled. Nothing could make them advance. The populace deeply stricken with the circumstance retired also, and abandoned the FESTIVAL.

from the place with horror ! Songs of joy, when every echo sounds with funereal groans ! Airs of triumph on that day when every Frenchman blushes for his country ! Imprecations on the memory of him who extorts tears from the heart and adoration from the mind ! On those ashes which the true patriot would willingly revive with the last breath of his life ! . . . SHADE OF OUR LAST SOVEREIGN ! Victim of your own good actions, of our passions, and of their crimes ; you whose death has rendered us all guilty and all miserable ;—at least let the many millions of hearts that were agonized on that execrable day,—let the numerous voices which were courageously roused to contradict those lying tongues, those hired instruments of triumph, that deserted solemnity ;—let the visible terror of the small number of wicked men who, with a faltering tongue, uttered oaths of hatred, while accents of love and grief were so loudly pronounced in all parts ; let the very choice of the place itself ;—let all these be received as homage to you, and as expiations for us. No, that choice was never made without a secret design of Providence. It was the will of God that the prophanation of his temple should become the consecration of your memory. It was his will to shew, that thy celestial soul was worthy to be associated

associated with the insult offered to Heaven ; and that in future thy virtue should no where be questioned, but in the place where the Divinity was blasphemed !

Well then, FRENCHMEN ! let them also celebrate the 16th of October. Let them celebrate with pride the daughter of the CESARS, the widow of LOUIS XVI., plunged by them into the tomb of her husband ! Let them applaud that execution, to which ferocity in her last moments sought to carry calamity to its last extreme, and at which excess of brutality was opposed to excess of mental greatness !

Let them also celebrate that day on which the Demons of Hell dared to extend the poison of their calumny and the points of their poniards to an angel of Heaven*.

Let them likewise celebrate that lengthened and dark affassination which slowly spread the veil of death over the morning of life ; which buried the age of innocence beneath a heap of crimes ; which deformed the work of nature before it destroyed it ; and which converted a

* Can it be necessary to-name MADAME ELIZABETH ?
delightful

delightful and beloved creature into an hideous object of disgust and horror *.

And why not celebrate *the 2d September*, the month of *Messidor*, the whole reign of terror? All these epochs are connected with each other. It is but one system, but one reign; why then should it be mutilated? What do I say? It is no new idea that I suggest to them; they entertained it themselves, and I only recall it to their recollection. I am certain that I have seen a project discussed in the convention after the 9th Thermidor, for uniting all these solemnities in one which was to last three days. I no longer remember by what crime they were to begin their rejoicings; but I remarked that the second day was intended for the celebration of the 21st of *January*, and the third for that of the 9th of *Thermidor*; that is to say, that they were successively to celebrate the triumph of ROBER-SPIERRE and his fall, his crimes and his punishment, his life and his death! I know not which of the two festivals they will choose to retrench, but certainly there is one too many.

* Oh! what particulars have I received of the fate of that unhappy child! and they are all authentic. But I should not have courage to commit them to paper, nor would the reader have courage to peruse them.

PEOPLE OF FRANCE! I shall not yet quit this subject. You weep, you shudder, you confirm the truth of what I just now said with regard to the sentiments which you have manifested with so much *eclat*. All this is true, all this is known; and it proves the existence of *Morality* and *Virtue*, it proves that you have still among you the germs of safety and motives for hope. If I had not thought this to be the case, I should certainly never have addressed you. But still all this is scattered, dispersed, and confined to individuals; there is nothing collective, no act of the Government but *the festival of the 21st of January*: there your *public manners*, there *the manners of the French Republic* are to be found.

Now I address myself to the Republicans themselves, to that distinct class of Republicans who may one day conciliate my esteem and extort my respect. For instance, I appeal, at this moment, to such of them as combine all the purity of youth with all its ardour; such as, just entering upon the stage of the world, free from all oaths, equally unable to cherish princes whom they never knew, and to reproach themselves with crimes in which they never participated, with minds exalted by all the great personages of Greece and Rome in whose company

pany they have passed their infancy, take no trouble to compare objects, and resign themselves with confidence to an enthusiasm which must one day be submitted to the decision of their judgment. Well, I ask these, how they can bear to be rendered, by the commemoration of a past crime, accomplices in its commission; how they can suffer their innocence and their sensibility to be given up to the corruption and to the horrors of a system which curses the dead in order to proscribe the living? Their hearts thirst for liberty, but they are young and pure: I will answer for their emotion, I will answer for the tears that flow from their republican eyes, when they read the will of Louis XVI., and the life and death of the last King of France. How happens it, that not one amongst them, in the noble effervescence of a romantic mind, has yet proposed to his fellow-citizens to imitate at least the language of the Athenians, when having resolved to abolish monarchy, and wishing to give to their caprice a colour of sensibility, they said—*CODRUS sacrificed himself for his people; CODRUS has rendered it impossible for any one to occupy his place.*

Certainly the sacrifice of CODRUS was neither more absolute, nor more voluntary, nor more

strongly marked by generosity, than that of Louis the XVIth; and it was much shorter!

I shall perhaps be told, that, in founding a Republic, special care must be taken not to advert to *Athens*; that when she had dismissed the successors of CODRUS, she had GILON, PISISTRATUS, MEGACLES, HYPPIAS, PERICLES, and in short the hired orators of PHILIP; that she had one *tyrant*, that she had *thirty*; that *the thirty*, which were succeeded by *the ten*, had been preceded by the *four hundred*, and accompanied by the *three thousand*; that *Athens*, in short, was the sport of perpetual revolutions; that she could not support the laws of SOLON for ten years; and that although she was sufficiently powerful to disperse the armies of *the Great King*, she found herself too weak to suppress the factions of her own citizens.

I will reply with the utmost possible frankness: the issue of this great crisis is uncertain; at present nothing positive appears but your foreign conquests and your domestic calamities. If your Republic cannot last, act so as to be able one day to say that you had at least purified and ennobled your chimera. If it be possible for it to exist, do not introduce a principle of death

death where there are the germs of life, for I defy any government to defend itself against anniversaries destined incessantly to repeat that it sprang from, and is destined to live by, ingratitude, falsehood, theft, and the thirst of human blood. Give a new era to your Republic. Solemnize the 9th Thermidor, if you will, but have a day of expiation instead of a day of rejoicing for the two preceding years. Celebrate the epoch of your present Constitution ; but celebrate still more the day on which you shall have purged it of all that pollutes, and freed it from all that encumbers, it ; the day on which you shall have perfected its different elements, established a closer connection between its various parts, given to its centre a greater degree of intensity towards all the points of the circle which its rays are meant to attain. Celebrate more than all,—as soon as you shall have pronounced it,—the suppression of the last vestige of that predatory and murderous code, which, in spite of yourselves, condemns you always to derive your *public manners* from immorality. Then adding such an exercise of power to the triumph of strength, there is not a sentiment which you may not subdue even in the hearts of your enemies, of those who have hitherto been your victims.

PEOPLE OF FRANCE! I now come to another capital truth to which I entreat your utmost possible attention. It is a fundamental basis quite as necessary to *public morality*, as that morality itself is indispensable in the magistrates of the people, and in a Republican Government.

The energetic saying of Plutarch, *That a town might sooner be built in the air than a city established without religion*, was quoted in the National Assembly in 1789: and PLUTARCH and those who quoted him appeared ridiculous to the faction which then prevailed. Oh! by what mortal anguish have those senseless sneers been since expiated! How many unfortunate members of that faction, which contained as many blind as criminal men, either in the agonies of their terror at a time when the step of a man or the rustling of a leaf froze their very blood, or when their heads were placed on the scaffold beneath the fatal axe, have since cursed themselves for having rendered *their* efforts impotent who wished to save them, even when they had themselves armed the hands and silenced the consciences of their own assassins!

*Take away religion from man,—said CICERO,
—and his life will become a constant scene of
trouble*

trouble and confusion *.—*Make piety to the Gods disappear,—says the same orator,—and immediately good-faith, and human society, and the most excellent of all virtues, JUSTICE, will also disappear* †.

Would you rather consult your own favourite oracles? Listen then to MABLY: he will tell you, *that he does not believe that the empire of GOOD MANNERS can exist where none but mere men act as magistrates, where the magistrates and the citizens are not convinced of that important truth of a Providence who governs the world, who sees the most secret movements of our minds, who will punish vice and reward virtue in another life* ‡. Consult JEAN JACQUES: at the very moment when he opens a boundless field to the will and caprice of the multitude, ROUSSEAU, a fanatic in a double sense, and at a loss how to act in order to render the strength of the check proportionable to the excess of licentiousness, not only insists on the necessity of *a civil religion* which keeps that *important truth* constantly in

* Sanctitatem . . . religionem . . . quibus sublati perturbatio vitæ sequitur et magna confusio. *De Naturâ Deorum.*

† Atque haud scio an, pietate adversus Deos sublatâ, fides etiam et societas humani generis, et una excellentissima virtus JUSTITIA tollatur. *De Natur. Deor.*

‡ Third discourse of PHOCION.

the minds of men; not only insists on the necessity of giving to the sovereign the power of imposing on each individual a *profession of faith*, and of fixing the articles thereof; but declares *whoever does not believe them incapable of being a good citizen or a faithful subject*; he condemns all such to *banishment as being UNSOCIAL*; and on those *who, after having publicly acknowledged these same dogmas, act as if they did not believe them*, he inflicts the *punishment of death* *.

Perhaps you will be stricken still more by receiving this great lesson from a personage who is now THE MAN OF THE AGE, who has founded thirteen Republics in one; who has been the first governor of them, and who having successively filled the offices of general, legislator, and supreme magistrate, has given a glorious contradiction to Machiavelism, in not having advanced, during his triple career, a single step which virtue did not regulate, and in having obtained in each of them all the success which fortune could bestow. French Republicans! listen to the President of the United States of America; take up that will of WASHINGTON's which the Americans, if they are worthy of it, will

* Social Compact, Book iv. Chap. viii.
preserve

preserve in the same manner as the Jews preserved the tables of Moses; and read that passage which I transcribe with a respect that is divided between the holy truths which it contains and the venerable hand that traced them.

“ Of all the dispositions and habits which lead
“ to political prosperity, religion and morality
“ are indispensable supports. In vain would that
“ man claim the tribute of patriotism, who
“ should labour to subvert these great pillars of
“ human happiness, these firmest props of men
“ and citizens. The mere politician, equally
“ with the pious man, ought to respect and to
“ cherish them. A volume could not trace all
“ their connections with private and public felicity.
“ Let it be simply asked, where is the
“ security for property, for reputation, for life,
“ if the sense of religious obligation *desert* the
“ oaths, which are the instruments of investigation?
“ And let us with caution indulge the
“ supposition, that morality can be maintained
“ without religion.—Whatever may be conceded to the influence of refined education on
“ minds of peculiar structure, reason and experience both forbid us to expect that national
“ morality can prevail in exclusion of religious
“ principle.

“ 'Tis substantially true, that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government. Who, that is a sincere friend to it, can look with indifference upon attempts to shake the foundation of the fabric *?”

FRENCHMEN! I dwell upon this truth because I am thoroughly convinced of its extreme importance. I did not suppose that my testimony could have the same weight as all these foreign testimonies, with those who oppose it; but I have not yet advanced the most powerful argument. Is not every truth of this kind weakened, whenever we seek to support it by other proofs than those which our own situation affords? When Folly, armed with torches and with poniards, has hovered over our heads for five whole years, threatening all those whom she could not destroy; when the groans of the victims still vibrate on our ears, and on our hearts; when you, virtuous Republicans, cannot advance a step on the land which you inhabit, without the fear of treading upon innocent ashes, which all your

* General Washington's address to the people of the United-States.

sorrows are inadequate to revive ; when this heap of calamities is the produce of three legislatures, which first shook, and soon after dissolved all the ties of morality and religion, all of which now shudder at the contemplation of their own work ; all of which have contained some moral and religious men ; which now lament their inattention to the councils of such members ; which at the time trampled them under foot, and made the exterminating car, whence they spread death over a whole nation, pass over their bodies ;—What good effect can foreign examples produce on men who are surrounded by such scenes, and harassed by such reflections*?

Those who stand in need of crimes for the usurpation of power seek for some means of silencing the consciences of men, and for this purpose they inscribe on the gates of death—*Eternal Sleep*. But they are no sooner in possession of that power than they hasten to heat the *reveillez* in the midst of the tombs, to restore

* *What are the lessons of history when compared to our ruins?* observed, long ago, one of those men whom Providence seems to have preserved in France in order to invest them with the most holy of all sacerdotal dignities, and to confide to their genius as much as to their talents, the care of a sacred spark of justice and humanity.

its

its immortality to the soul, and to proclaim a remunerating and avenging God, whose existence is as strongly attested to themselves by their own remorse, as they, stimulated by the interest of ambition, persuade those of it whom they wish to govern.

And, as to victims, look at the death of Louis the XVIth, of his family, and his faithful friends. Hear men as eloquent as Cicero exclaim with him: "An agonized heart, a violent catastrophe, the redoubled strokes of injustice, and the overwhelming burden of calamity, brought me back to these truths. I have believed in them, because I have obtained from them a degree of consolation which I had in vain sought elsewhere*!"

Let us consider then the necessity of a religion for the basis and summit of the social edifice, as an incontestible truth;—a necessity the more urgent for that species of government of which morality constitutes the sole security; a necessity which, while it tolerates all kinds of worship,

* Hortata est ut me ad hæc conferrem animi ægritudo fortunæ magnæ et gravi commota injuriâ; cujus si majorem aliquam levationem reperire potuissem, non ad hanc potissimum confugissem. *De Nat. Deor.*

prescribes

prescribes a *national worship*. Private worship may present nothing more than the weakness of an individual who seeks for a support. But it is of consequence that *public manners* should have a known regulator; that public power should display a submission to that Power which knows neither bounds, nor injustice, nor error. It is of consequence, that the strength of man should be prostrate before the justice of God, that he should believe in his superintendence, hope for his rewards, and dread his chastisements. And all these grand objects can only be fulfilled by a *national worship*.

Let us now inquire whether the French Republic is on the point of possessing this *indispensable support*, this *firmest prop*, this *necessary spring of a popular government*!

Such had been that impious stupidity which had daily marked more and more strongly all your political institutions, since the commencement of your troubles, that, on opening your last Constitutional Act, I praised its *non-exclusion* of private worship, *the same* protection indiscriminately accorded to all, the simple pronunciation of the name of the *Supreme Being*, and the quotation of two maxims, perhaps rather secretly stolen
than

than openly borrowed from the Evangelical Law of the Christians.

Well, even these equivocal texts of my indulgent commendations were effaced, disappeared, when I looked for their practical application: at least, the examination disclosed to me consequences absolutely contradictory to them, in which the good almost always belonged to the private actions of individuals, and the evil to the actions of the Government.

Thus, some churches have been opened again by the religious zeal of individuals, while others have been shut or prophaned by the impious acts of the Government.

Thus pastors have been claimed, restored, and defended by their flocks, while the Government still repels the priests who have suffered deportation; and still keeps in irons the 20,000 prisoners, to whose fate I wish to call your attention every minute.

And who makes the cohorts of the French Directory march, at this time, towards the capital of the Christian world? Who ordered the young Conqueror to pollute his glory, by

by turning his arms against a Pontiff of eighty, whose conduct has always been inoffensive, and paternal even to those who had become his enemies*; guilty only of having attempted to defend the patrimony confided to his administration, and of having resigned himself to martyrdom in support of the truths committed to his care?

Whence came, in the pretended peace that was offered him, that artifice, 'as unskilful as it was odious, of mixing concessions which necessity extorted from the Sovereign, with disavowals which religion interdicted to the Pontiff?

It has been said, that, as the throne had been drowned in the blood of Kings, the time was now come for drowning the altar in the blood of the

* Some French Republicans, shipwrecked on the coasts of the Papal territory, were received with every mark of the most benevolent hospitality. By the last intercepted correspondence it appeared that the Pope refused to declare war, although it was represented to him to be a *religious war*. Not a single bull has been issued against the French Republic. Never was conduct more innocent, more moderate, more prudent, and yet more noble than that of Pius VI. Never was aggression more unjust, more cruel, more blind, and more vile than that of which he is the august victim.

Prince of Priests! I reject this horrid idea, although it terrified one of your Republicans, as much distinguished by his *morals*, as by his talents *; but yet, whither are they going, and what do they want? When they have once entered that sacred city, which way can they advance a step without meeting with their own condemnation?

Is it modern Rome that they pretend to insult in the very sanctuary of her God? She will say to them, "Religion, who has pitched her tent with-
 " in my walls, formerly civilized your ancestors;
 " she transformed them from barbarians into men;
 " you have destroyed her; you have forfeited all
 " pretensions to humanity, and have fallen into
 " a species of barbarism worse than that from
 " which she extricated your ancestors."

Will they go to the Capitol to invoke the shade of ancient Rome? She will shrink back with horror at their approach; she will exclaim with a voice of thunder, "When I was a Re-
 " public, free and virtuous, I had so great a
 " respect for the ties which bind a man to his
 " native soil, that I solemnly proclaimed the

* M. QUATREMER.

" impossi-

" impossibility of breaking them by any power
 " contrary to his own will. It was a maxim in
 " my legislation, that *the whole people could not*
 " *deprive a single Roman of his right of citizen-*
 " *ship* *. SYLLA, all terrible and all despotic as
 " he was; SYLLA, who conquered in the name
 " of the Republic, could put four legions of pri-
 " soners to the sword, but could not deprive the
 " inhabitants of *Volterra*, who at that time BORE
 " ARMS against him†, of the character of Ro-
 " man citizens. CICERO, proscribed during his
 " absence; CICERO, declared dead in law, de-
 " spoiled of his property by two Catilinarian
 " Councils who had divided it between them,
 " returned, amidst the acclamations of the whole
 " Republic, to tell his country that no one had
 " the right to separate him from her; that he
 " had neither been summoned, examined, nor
 " tried‡; that even if he had been convicted,
 " they would not have had the right to pronounce

* *Civitatem nemo ullo unquam populi jussu amittet invito.*
 Cicero pro Domo sua.

† Hanc verò *Volaterranis*, cum etià tunc essent armis
 L. SYLLA victor republicâ recuperatâ, comitiis, centuriatis,
 civitatem eripere non potuit. Cicero pro Domo sua.

‡ Quis me unquam ullâ lege interrogavit? Quis postulavit?
 Quis diem dixit? Potest igitur damnati pœnam sustinere
 indemnat? *Ibid.*

“ a sentence of banishment upon him; that
 “ where the rights of citizenship could be taken
 “ away, *Liberty* could not be preserved*; that,
 “ in short, *neither the violence of the times, nor*
 “ *the power of the magistrates, nor the importance*
 “ *of the subject of trial, nor, lastly, the power*
 “ *of the whole Roman people, which in other*
 “ *respects is pre-eminent, could overturn that*
 “ *fundamental law, that NO MAN CAN BE DE-*
 “ *PRIVED OF HIS COUNTRY AGAINST HIS WILL†!*
 “ And CICERO was carried back in triumph to
 “ his confiscated house; and the Senate thanked,
 “ by a decree, the foreign towns which had
 “ given him refuge during the period of his
 “ proscription. This, FRENCHMEN, was what
 “ ROME called Liberty. Generals of this new
 “ Republic! your masters are mistaken. The
 “ reward of their exploits is to be found on the
 “ Tarpeian Rock, and not in the Capitol!”

I can think but of one answer which these
 Generals could make, and it is such a one as

* *Si semel civitas adimi potest, retineri libertas non potest.*
 Idem pro A. Cæcinâ.

† *Majores nostri de civitate et libertate ea jura sanxerunt,*
quæ nec vis temporum, nec potentia magistratuum, nec res
tum judicata, nec denique universi Populi Romani potestas,
quæ cæteris rebus est maxima, labefactare possit. Id. pro
Domô.

makes

makes me shudder; that of BRENNUS, when he was weighing with false weights the gold which he had exacted, by way of contributions:—*Woe to the vanquished.*

The terrible ATTILA made a very different answer, when the great LEO made him experience respect and know humanity. The *Scourge of God* turned away from his city at the voice of his Pontiff, and Rome remained untouched amidst the ruins of Italy. Soon after, the same virtue which had subdued ATTILA at the gates of Rome, disarmed GENSERIC within its walls. We shall see if the French Generals will suffer themselves to be exceeded in generosity by these Chiefs of the HUNS and VANDALS.

PEOPLE! I have asked myself more than once what secret motive could have excited, and particularly can now keep up, that spirit of persecution, that destructive rage against the religion of our forefathers.

They are not political motives. Who does not know that, when a government is once established, religion either submits to it as to the will of Heaven, or lends it its assistance for the happiness of man? Who does not know

that, according to the doctrine of that religion, he would be deemed IMPIOUS who should maintain that it had only descended to the earth for the subjects of one form of government? The GOSPEL was brought to all men and to all people, to *the Romans and to the Jews; to the Parthians and to the Elamites; to the Cretes and to the Arabians* *. The GOSPEL has seen the face of human societies changed, their institutions successively swallowed up in the abyss of time, and, after passing through seventeen centuries, it has reached us in its primitive purity. *Switzerland* impatiently bore with the tyrannical ministers of a distant monarchy; she became a Republic, but retained Christianity. *Florence* became tired of a stormy and blood-stained Republic, and sought for safety and repose in the government of an individual; but when she changed her laws, she preserved her faith. I confess, a long time elapsed before I could comprehend how those members of your councils who sincerely wished for a Republic, and who were firmly convinced that it would be established, could neglect to consolidate it by the happy union, the indestructible cement of *laws, morals, and religion* intermixed.

* *Romani et Judæi; Parthi et Elamitæ; Cretes et Arabes.*
Act. Apost.

It is because that same religion which connects with every true *government*, with every thing that can be called a real *law*, with every thing that is known by the name of good *manners*, is in fact incompatible with *crime*, with plunder and affassination, with perjury and calumny, with oaths of hatred and rejoicings for murders. Thus we every where meet with that corrupting ferment, that pestilential germ which is inherent in works of blood and rapine. Thus the French Republic, until she shall have destroyed every trace of it, will never be able to quit the vicious circle which will sentence her to subsist without morals from the want of religion, then to subsist without religion from the want of morals; and such is the state that will constitute her *public manners*.

What will be the last point of the necessary progression of such a state of corruption? PEOPLE OF FRANCE! shudder, but attend.—The last point will be this—If your *individual morality* does not triumph over the *public immorality*, this will triumph over that.

It has already come to this point;—that the best of your governors think themselves under

the necessity of still paying a daily tribute to tyranny, injustice, and immorality, seeking to mollify where they despair of conquering. Now if this necessity do not speedily cease, one of two things must inevitably ensue:—either the habit of vice will become natural to them, and the number of your oppressors will increase; or it will become impossible for them to support functions, in the discharge of which they must incessantly act in contradiction to their conscience, and then you will have no more defenders.

Another consequence of this corruption is, that the poison which infects the *public manners* will be universally infused into *domestic manners*; that the ties of blood, the sentiments of virtue, the obligation of oaths and of contracts, respect for the property of others, truth, and modesty, will cease to be cherished in the French Republic, except in a few private circles, while the opposite vices will openly display over the whole surface of her territory their infamous and insolent prostitution.

Another consequence is, that a generation is, in all probability, now rising in France, (not that of youth, which on leaving the cradle may still have been surrounded by virtuous principles and

and examples; but that of infancy which has had the misfortune to be born at the same time as the French Revolution,)—a generation, I say, the bare idea of which makes me shudder, a generation which, growing up in the midst of disorders, deprived of instruction and destitute of guides, unable even to distinguish truth from falsehood, and justice from injustice, will prove a malevolent and degraded race, the shame and the chastisement of that haughty reason which thought it could belie with impunity a tradition as old as the world.

Another consequence is, that, even admitting the supposition that false property may succeed in establishing itself for a certain time in the hands of the usurpers, France will then exhibit such a scene as Italy erst exhibited when, after they had reduced her by force, the Roman generals and magistrates *successively appropriated to their own use the confiscated estates of the vanquished.* This succession of rapine rendered large fortunes odious to the people, who no longer considered the Senate as any thing more than a confederation of banditti. To be born rich was a crime in their eyes. The Government lost its main spring. The Republic became enfeebled by its conquests. It was soon found to be necessary, in

the formation of the centuries, to consult numbers more than property, which was rather tolerated than regarded as lawful. An indigent populace was seen to dispose of places with supreme power, and most frequently to sell them. The old authorities, suspended by popular tyranny, retained no power but to act in opposition to each other, and to produce schisms in the state. The government, transformed into a democracy of savages, obliged to incorporate with the different people of Italy, became a confused aggregate, without chief, without order, without harmony, and without principles. Its subsequent movements were convulsions*.

This multitude thus hating the false proprietors, either from motives of justice or of envy, would be joined by the sons and the grandsons, the nephews and the grand-nephews of the true proprietors, whose estates had been confiscated. When CATILINE was about to set fire to Rome, to massacre the Senate, and to make himself King, who were his soldiers? a mixture, that, at first sight, must appear strange and whimsical, but which a little reflection enables us to account for:—the accomplices and the victims of SYLLA;

* *Considerations sur l'Origine et les Révolutions du Gouvernement des Romains.* Chap. 26. Tom. 2. Imprimé à Paris, chez les freres de BURE, 1778.

old executors of the proscriptions, and young children of the proscribed; CATILINE made the wickedness of the one, and the despair of the other, equally subservient to his purposes.

Another consequence, lastly, is to be apprehended from the fate of *Rome*, where, out of this dreadful anarchy, and out of the crowds of that vast population of envious, malignant, vindictive, furious, criminal, and indigent men, bands of gladiators and banditti were composed, which infested all Italy. Some of these were formed into regiments by the false proprietors, who wished to defend their usurpations by this motley militia, but who, not having money to pay such a numerous banditti, *permitted them to stop the passengers on the high road**: others spontaneously assembled, saying to themselves, that it would be the height of folly in them to remain passive spectators of the pillage in which they might participate; that they had as much right to the confiscated estates as those who had taken possession of them; and that they ought, at least, to have less scruple in seizing them, because they only took them from usurpers, while the others, had stolen them from their lawful owners.

* See the book last quoted.

FRENCHMEN!

FRENCHMEN! if I may give credit to the debates of your two Councils, the messages of your Directory, and the accounts of your writers, you already begin to feel this last scourge. In every part of your territory I see *organized thieves* spring out of the disorganization of the social system. I see their bands assembled under different names, and employed in the different kinds of plunder and assassination:—I see *grand trimars* *, *detourneurs* †, *arcadiens* ‡, *faucheurs* §, *chaussours* ||, &c. I see *whole colonies of banditti* surrounding most of the great communes, attacking the travellers, and stopping the couriers ¶. I see *regiments of thieves, encamped and stationed in the woods, scarcely passing a night without laying siege to some country-seat or opulent farm* **. I see *all the galley slaves at Brest breaking from their chains* ††, and infesting the

* Thieves, who frequent the theatres and public places,

† House-breakers.

‡ Coiners and forgers.

§ Assassins.

|| Incendiaries, who sometimes burn farms, and at others, force the inhabitants to deliver up their effects, by roasting the soles of their feet.

¶ Extract from the *Redacteur*, a Government paper.

** Report to the Council of Five Hundred.

†† When the Police Minister complained to the Marine Minister of the escape of these galley-slaves, the latter replied, that *they had not money to pay their keepers*.

high

high roads after having incorporated themselves with the remains of Babœuf's army*. Lastly, I see thieves distinguished by the appellation of *Chausseurs* forming, in the midst of society, a sort of armed confederacy, for the purpose of destroying its first elements; spreading desolation over the towns and villages; at one time forcing an entrance into private houses, seizing the inhabitants, and committing on their persons every kind of violence which the most refined ferocity can invent, in order to extort a surrender of their most valuable effects; at another, attacking the public carriages and couriers on the high roads, stripping them, and making the passengers witness such scenes of horror, as render them fearful of undertaking the shortest journey. This last picture is drawn by the hand of the DIRECTORY itself†.

FRENCHMEN! I must exert sufficient courage to tell you one dreadful truth; if one of these banditti, when brought to trial, were to point with one hand to the *public accuser*, who represents the Government, and with the other to the *Emigrant's code*; adding to a gesture so expressive these few words—I have followed the example of

* From the *Historien*, by M. DU PONT DE NEMOURS.

† See the messages of the Directory in the *Redacteur*, and the *Journal de France et d'Angleterre*, p. 23 and 34.

my accuser,—it would not be possible to make him a rational answer. *The public accuser* would, doubtless, only be led to accelerate his condemnation; but then it would be FOUQUIER TINVILLE pronouncing a sentence of death upon DANTON and BRISSOT. I should have had some scruple in suggesting such a means of justification, if it had not already been tried. Remember the four assassins, who went to the place of execution with the utmost gaiety, and jumped upon the scaffold as exempt from remorse as from fear, while one of them exclaimed, *We die GOOD PATRIOTS, GOOD THIEVES* *!

O! how anxious have I been to finish these dreadful details! and how much has it cost me to go through them! But in that same country there are millions of *Gentoos*, whose manners may still become the *public manners*. But for this hope, what exile could even form a wish to return to that disfigured land? never should we think ourselves too far removed from it.

PEOPLE OF FRANCE! I proposed a fourth question to you; I asked you whether you had a *stable Government*?

* Extract from the *Censeur*: *Journal de France et d'Angleterre*, p. 40.

But,

But, in fact, after all that we have seen, we have rather a consequence to draw than a discussion to undertake. We must conclude, and not argue.

A Society without Proprietors—A State without Finances—A Republic without Liberty—A code of unjust and barbarous laws—Immorality and impiety the characteristics of the public manners ;—What would you say of me, if from such premises I should draw this conclusion,—Therefore you have a stable Government ?

I will not add a single particular to this recapitulation. It freezes my heart as it issues from my pen, and I shall leave you to contemplate it with that salutary terror which it ought to impress on your minds.

I do not spare you ; but I serve you. I only excite your alarm at the excess of your calamities, for the purpose of stimulating you to accelerate the remedy for the application of which, perhaps, but an instant remains. When truth is directed to the attainment of an object so important, it becomes a duty. Silence would be treachery. However dreadful my pictures may appear to you, they can scarcely equal many of those
which

which have been exhibited to you by your principal Governors; and did your Governors when they pointed out vice put you on the road to virtue?

PEOPLE OF FRANCE! the second general question which I had to discuss must appear to you as fully decided as the first. You cannot doubt, I believe, that POLICY unites with JUSTICE, and INTEREST with DUTY, in urging you to proscribe the proscription of which ALL Frenchmen, those who remain in France as well as those who have left it, are equally the victims.

I might, if I chose it, say with propriety, that my task is now finished. It is doing a great deal, in short it is doing all that the necessity of the moment, and all that circumstances require, to prove, that *the present system cannot continue*, because it bears within itself *a principle of self-destruction*. Yet I shall not stop here. After having so long occupied your attention with the dreadful consequences of our divisions, I do not merely feel the desire, but absolutely experience the want of amusing you with a more happy prospect, which, by means of our union, might immediately be realized.

But

But the loud cry of France which summons you to the elections has sounded in my ear, and awakened all the powers of my mind. Amidst those sacred appeals, amidst those calls for relief which the country addresses to all her children, at the fatal moment which must decide her fate, I can only wish to hasten your steps towards the post at which she expects you, and to strew on your road some germs of public safety which your zeal will gather and your reflection fertilize. The only tribute then that remains for me to pay will consist of mere rapid sketches and detached principles.

Your safety depends entirely on three principal points. The Elections; Peace; and the Revision of your Laws.

1. The ELECTIONS. Until those shall be completed there can be no danger of repeating to you too often, that that man plunges perhaps a poniard in the hearts of his father, his wife, and his children; provokes the return of the reign of terror, and seeks to place another ROBERSPIERRE on the throne of France, who does not go to the assembly to which he belongs, to contribute by his suffrage to the election of a worthy representative of the people, of a worthy

magistrate of the people, of a worthy administrator of the people's concerns. . . .

Citizens of France, if you keep away from the elections, if the representatives of the nation are elected in the same manner as the officers of your national guards have been of late, continue to suffer, but cease to complain; for you will have forfeited all right to do so.

Why did the sections in Vendemiaire excite so lively an interest throughout Europe? Why was their cause espoused with passion, and all their motions followed with anxiety? Why did their failure become the subject of public regret, and their martyrs the objects of universal veneration?

Because Europe then saw men who felt their dignity, who neither deserted nor sacrificed their rights, who ran in crowds to form a rampart with their bodies for the defence of their country, which was no sooner regenerated than threatened. Because those men, by the exposition of the grandest principles, and by the display of the noblest courage, avenged the character of the French Nation. Then the nation was deemed no longer unworthy to be free. Then they
ceased

ceased to charge her with the responsibility for her own calamities. The reign of ROBERSPIERRE appeared to be what it really had been, the inevitable result of a complicated fatality which no people have escaped. The objects of oppression were seen to unite for the common defence of the country, as soon as their union became possible. They were seen resolved to resist by force only when they were no longer able to resist by the law, which was on the point of falling with them, and even then braving danger without attempting to attack. At length the day came on which order was not equal to zeal, on which fortune did not follow justice, and on which the want of means contributed to the defeat of the virtuous, perhaps, more than the want of prudence. Well, even on that day the fate of the vanquished was deplored; and admiration was bestowed on Frenchmen who knew how to die for the liberty of their country. Surely, on that spot, at least, which was the theatre of such heroism, the spirit that inspired it is not extinguished! It has been preserved; it has incessantly appeared since that period, the whole importance of which is not yet understood. It is more than doubtful whether the defeat has not been more useful to the vanquished party, than to the triumphant faction. The Convention conquered

the Sections; but the Sections conquered Victory. That day gave birth to public opinion, which has gradually acquired fresh strength amidst all the partial attacks which it has had to sustain. It has been often fettered, because its province was only to speak and not to act. The moment of its action is now come. This action must take place, fully and entirely in the primary assemblies, in the electoral assemblies, in the choice that must proceed from both: an action henceforth peaceable, but on that account the more awful, and which, if it be communicated over all France, will obtain the most legal, the most constitutional, and the most irrevocable of all triumphs.

Primary Assemblies! Electoral Assemblies! extraordinary times have given you extraordinary means of knowing the moral characters of the candidates between whom you have to decide. It is at least some compensation for your calamities to be informed of the private characters of the only men who can put an end to them.

The honest man, the man that is reasonable, disinterested, good, courageous, and the friend of peace, is the man that is deserving of your suffrages, in whatever division or subdivision of
party

party he may have been classed, either by habits which he has now left off, by circumstances long since effaced, or by true or false imputations.

Fortify yourselves against the influence which authority may seek to exercise over your choice.

. . . Your safety requires that the executive government should receive the impulse from, and not give it to, the new legislative body. . . .

It will be the province of that body to do all that is requisite for your happiness; but it is your province to send proper members to it. If you once succeed in introducing another *third* of men, whose probity is above suspicion, whose prudence is above doubt, your wishes will not only be fulfilled, they will be anticipated.

2. PEACE! PEACE! PEACE! You must have it, and it is in your power to obtain it.

You must have it; for without it the best composed legislative body can do nothing, and with it, it can do any thing. Yes, certainly, Europe is in want of peace, and all people demand it. Yes, England is in want of peace, and her inhabitants call for it. But no country in the whole world stands so much in need of it as France; and I

take you all to witness, that there is not one Frenchman, unless it be a Jacobin, who would not sacrifice some years of his life to obtain it. Constitution, property, finances, liberty, justice, morals, stability, all depend upon peace. I will not direct your attention to the fate of those immoderate empires, the colossal ambition of celebrated conquerors, for you are not even so advantageously situated as they were. All those extraordinary personages, all those grand arbiters of the fate of their fellow-creatures, responsible to themselves alone for the execution of their will, masters alike abroad and at home, held with the same hand the sceptre and the sword, governed as they had conquered, and bequeathed misfortune to their heirs. But here the catastrophe follows close upon the triumph; and soon, perhaps, not a victory will be announced to you which you ought not to regard as a disaster.

But in this place I must address myself to your Governors, for they are the persons who continue the war. As for you, the object of all your desires is peace; and as that peace must at all events be glorious to you, the greater moderation you display, the greater splendour will you add to your triumphs.

Governors of France ! you are seeking to inflame your countrymen by ancient hatred, and to stimulate them by a new pride. You talk to them of humbling, of depressing their rival. Believe me, it is not in your power to accomplish either the one or the other of these objects. If that rival made a vain attempt on your independence at a time when your frontiers were open, and the entrails of your Republic torn by a hundred factions, how can you pretend to inflict even the smallest wound upon hers, when the ocean serves her for a rampart, and when she has *but one mind and but one heart* * to defend herself against the slightest of your attacks ? You do not know what that public spirit is in England, which, still more than her insular situation, renders her people a truly distinct people from the rest of the globe.—You are not acquainted with that sentiment of identity by which an Englishman incorporates his own person in the body of the state, and has no idea of any fortune for himself separate from the public fortune. You cannot appreciate the religious attachment which they all bear to their native soil, to the names and the maxims of their ancestors, to their approved Constitution, their humane laws,

* *Cor unum et anima una.*

their wife liberty, and their virtuous sovereign, You will be told that Great Britain is divided!— and you will see her rise in a mass to resist you; you will see the most ardent rivals, and even the most inveterate enemies press each other's hands in the ranks which will march to meet you. You will believe her to be depressed! and some triumph bordering on a miracle will teach you, that she rules upon her element as fully as you do upon yours. She will be represented to you as in a state of distress! and the embarrassment of a moment will supply her with the riches of a year. All her subjects will hasten to assist the government, as well those who support as those who hate it. At the bare idea of their country being threatened, and her glory endangered, all Englishmen will go to offer what with you they went to extort; and in these offerings of patriotism, an order, an efficaciousness, a kind of fertilization and reproduction prevail, which can scarcely be conceived by men who have lived five years amidst that disorder, desolation, and sterility which are attached to the extortions of terror.

In short, you have read of the enthusiastic love of the country which formerly prevailed at Rome; you have witnessed the enthusiastic love of

of the prince which erst obtained in France; and you may be assured that both these sentiments are united in the heart of an Englishman. Add to this the national wealth, the riches of individuals, and the ocean*.

PEOPLE OF FRANCE! neither that nation, however, nor all her allies, could succeed in giving laws to you on your own territory. You have dispersed the coalition of Europe, which had surrounded and even passed your limits. At home, whatever government you may fix upon, you are thoroughly sure that it will be the effect of your own choice. Abroad, that part of your vast conquests which it may appear important to you to retain, either as a monument of glory

* Those who saw General *Marceau* so nobly and so solemnly honoured by the Archduke *Charles* will doubtless conceive that, without interfering in the disputes of cabinets, I could have no scruple in paying a tribute of justice to England, of which indeed she is not even the object, but of which France will be found to reap the whole utility. I am placed by the peculiarity of my situation in a kind of equilibrium between the two nations. I think that I justly appreciate them both. I certainly judge them with that unlimited independence of mind which I will carry with me to the grave; and I do not feel the smallest difficulty in declaring, from the bottom of my heart, that I form the most ardent vows for the peace and prosperity of both countries.

or as a security for your frontiers, is no longer contested. These triumphs are sufficiently brilliant. Now let them satisfy you. Now *finish your revolution**, and mark with a double glory, and sanctify, if it be possible, this great epoch, by restoring peace to Europe and to yourselves.

I have said that it depended upon yourselves to obtain peace from your governors.—You are about to meet in primary assemblies. Choose your electors among the friends of peace. Tell them—*We wish for peace.* Let them transmit this *mandate*, or these *instructions*, to the representatives whom they shall elect.

As soon as the new legislative body shall be formed, address *petitions* to it from all parts; and address them to all the authorities which can concur in atchieving the happy work of peace. The general wish of the PEOPLE OF FRANCE being once known, cannot be known in vain.

3. THE REVISION OF YOUR LAWS: send another *mandate* to your electors, and other *petitions*

* I could heartily have wished that I had had time to quote the beautiful pages of M. MONTLOZIER on this subject, in his two last numbers, particularly in his *Summary Views upon Peace.*

to your governors on this subject. This is a great work, and I am aware that it may appear to be surrounded with difficulties. I certainly do not think it exempt from difficulties; but nothing is easy of accomplishment in the situation to which you have been reduced by successive acts of tyranny, and it would be unquestionably more difficult to preserve your laws than to revise them.

PEOPLE OF FRANCE! it is not the abolition of that homicidal exile, and of those sanguinary decisions, which will experience the greatest obstacles. Your wishes have already been pronounced too strongly on those points. Even some of our enemies have already begun to say — “Let them remain despoiled of their property, but why deprive them of that which can enrich no one, the asylum of their family, and the hospitality of their friends? Why take from them that which offers resources to their industry, and the means of subsistence; the country whose language they speak, whose inhabitants are their fellow-citizens, whose climate is necessary to their health, and out of which most of them are devoted to a wretched existence or a miserable death?”

Ah!

Ah! no doubt many of us would consider even this change in our fate, even this liberty of returning to our country, as a blessing, notwithstanding all the losses which we should still have sustained. But your interest as much as ours requires that, on our return, we should recover some part of our former possessions. Recollect that we must appear in the character of proprietors, in order that property may revive. This certainly constitutes the greatest, and, to speak frankly, the only difficulty.

You cannot expect that, at the present moment, I am prepared to lay before you a complete plan of a new system of laws upon this grand object: and indeed what plan, traced out beforehand, and published without the stamp of public authority, ever became a law?

All that I have to do is, to lay down in theory a simple and just principle, which no upright heart, no wise mind, no honest man, and no good citizen, can refuse to admit. To give to that principle the form and force of a law, is the province of your legislators, to execute that law will be the duty of your governors, and to call for its adoption is your right.

Before I lay down the principle, it is just and reasonable to remove all the partial difficulties from which it is already disincumbered, and to strip the question of every thing that is already out of the question.

Thus, notwithstanding what you have been recently told*, nobody now talks of the old feudal rights in any other way than as the Abbé du Bosc talked of the tributes imposed upon *Gaul* by the *Romans*. They are no longer considered by either party as any thing more than mere objects of historical research; and the force of circumstances producing the same effect as the lapse of time, those rights and those tributes now hold precisely the same place in the imagination. People, inhabitants of the country, farmers, is not this already one great point out of the question?

Moveable articles have been consumed, lands laid waste, and country-seats demolished. You may suppose that we lay no claim to *indemnity* for these losses. Restore us our field, our site, our ruins; and this act of justice, all-imperfect

* On the 21st of January.

as it may appear, we will receive as if it were full and entire. — Another main object out of the question.

Whatever estates belonging to corporate bodies, whatever public establishments we may have to regret, in the past or to desire for the future, it is impossible not to acknowledge that private and patrimonial estates, that the property of individuals and of families are entitled to a preference, and even to an exclusive preference, if they can be recovered on no other condition, leaving the rest to time. What an immense prey then is here left to injustice, to cupidity, to necessity! What an immense capital put out of the question!

The paper-money which has expired*, without having been applied to the purchase of land, the paper-money that is expiring†, and is equally unapplied, and every mortgage or security which has been devoured by bankruptcy, are nothing.

The only difficulty then that remains, is that which subsists between the old proprietors and

* Assignats.

† Mandates.

that part of the new proprietors who are in possession of private or patrimonial estates.—Before I proceed any farther, I shall propose two questions.

Is there any one of the old proprietors who will not submit with transport to the sacrifice of a part of his former possessions, in order to recover the rest?

Is there any one of the new possessors who will not, with an almost equal degree of satisfaction, sacrifice a portion to preserve the remainder of his acquisition?

I boldly answer, *No*. I every day hear the sentiments of the first, and I frequently read those of the last; but even if they had never spoken nor written, I should still form the same opinion, because their sentiments must necessarily be such from the nature of existing circumstances.

Well, between those two classes of Frenchmen I aver as a fact, (and prudence alone impels me to suppress the proofs,) I aver as a fact, that more than half of the remaining difficulties will be removed without an effort, without any particular law,

law, on the day when the emigrants shall cease to be assassinated or banished. I aver as a fact, that then, conscience on the one side, misfortune on the other, and the want of repose and security on both, will every where give rise to voluntary, amicable, and other generous transactions, that will end in the mutual content of the parties.

And who does not perceive that the example of the good would, in this instance, have almost a coercive power over the bad? Who does not perceive what an effect would be produced by the opinion of those who, never having participated in these sales, would be disinterested witnesses of their *denouement*, and of the justice of the purchasers? What a triumph for manners would be that necessity to which a man would be reduced of doing what is just, in order to support the looks of his neighbours!

Lastly, If, in order to complete these treaties, whether spontaneous or enforced by public opinion, a national law should be found necessary, which may indeed admit of a doubt, this is my principle:

I know of no possible reconciliation which can take place except by means of a transaction between all

all kinds of interests and every species of rights; by an exchange and mutual compensation of objects to be restored and sacrifices to be made; of sacrifices and indemnifications. Let no man recover all that he has lost; let no one retain all that he has acquired: but when this shall have been restored to one, and that left to another, let all be secure of preserving what they have.

It is not my place to fix what proportion, what bases, what means ought to be established for this compensation—that can only be settled among yourselves. In lieu of that old decree by which a man was *declared infamous and a traitor to his country, who should take even an indirect part in promoting a reconciliation between the nation and the Emigrants*, let your legislators declare those to be *benefactors of their country* who shall employ themselves efficaciously in reconciling the French to the French; and you will soon see twenty projects more luminous one than the other, and which for facility of execution will excite your surprise as much as their effect would promote your prosperity.

Then, PEOPLE OF FRANCE! property will revive, and true property with all its old advantages, perhaps even with new advantages; because

cause it will have triumphed in a terrible war, because it will have proved victorious after it had been thought to be destroyed, and because it will be clearly proved that nothing can ever be done without it. Then works of reparation, preservation, and production will be every where renewed; and these are works which are as advantageous to the morals as to the wealth of a nation. Then specie will re-appear; because those Frenchmen who have never quitted France will no longer think of hiding it or sending it out of the country; because there are some of the French emigrants who still possess specie, and because there will be many to whom friends will advance money from beneficence, tradesmen upon speculation, and companies for the encouragement of commercial enterprise. Then the taxes will be paid, the finances re-established, and credit restored. Then the old and new proprietors, forming but one body, and having the same interest, will oppose one immoveable mass to the senseless attacks of the proletarian Jacobins. Then, for the first time, the government will meet with support from the proprietors, who, for the first time, will find protectors in them.

Then you will have become *free*; for you will no longer have murderous declarations ascribed

to you, but your own beneficent will carried into execution. It will be your known opinion that will triumph. It was known that *if the Emigrants were tried in their respective departments, they would be ALL acquitted**; the legislative body has proclaimed the internal sentence of the *departments*.

You may remain *free*; for there will be no more lists of proscription in which your names may be inscribed with ours, nor tribunals which may be compelled to send you to the scaffold as they have sent us, on the mere representation of your name and person. The *sixty thousand* applicants for the erasure of their names from the fatal lists, and the *two hundred thousand* families which they involve in their disgrace, will be restored to all their civil and political rights. The *twenty thousand* priests will be released, clothed, and fed. The constitution will suffice to secure you in future against the danger of arbitrary imprisonment. The law of the 3d of *Brumaire* will be effaced; for while the country becomes just towards the Emigrants, it will not remain unjust towards their relations. That

* See my former quotation of this famous phrase, uttered in the Convention a year after the famous 9th of *Thermidor*.

country orders the transactions of *Vendemiaire* to be consigned to oblivion, and every body obeys her mandate.

There will then be nothing to prevent your legislation from being *just*; because the code of iniquity will be destroyed. The necessity of committing twenty crimes in order to support one will no longer exist. The judges and the juries, left to pursue the dictates of their conscience, will no longer be reduced to the alternative of disobeying a law, which is always a great evil, or, which is a much greater, of executing an unjust and sanguinary law. All those fine maxims which decorate several pages of your constitutional code will then be enforced, and will pay homage to the Government instead of deposing against it. Then indeed will *THE LAW be the same to all, whether for the purpose of protection or of punishment.*

Morality will have triumphed! the general manners will have become the *public manners*. As there will be no more crimes to support in the region of the government, its members, either urged by inclination or stimulated by interest, will hasten to invite or to practise virtue. The aid of *religion* will appear precious, for its censures will not longer be dreaded.

Lastly,

Lastly, as the perpetual instability of the Government results from the union of contradictory principles, so will its stability be the natural consequence of a coalition of all these good principles. Should it be perceived that there will be still something to desire in the fixity of the public power, at least its morality, its justice, and its respect for liberty will no longer be questioned; and nothing will remain to be done but to complete and perfect its organization.

FRENCHMEN! these are not chimeras that I present to you. Yet I think I hear some corrupt and frivolous character alternately parody my doleful pictures and my flattering promises, ingeniously repeating, after every description—*The expulsion of the Emigrants!—The return of the Emigrants!*—and thinking that he has thereby refuted me.

No; let me once more observe, that is not my proposition, and I believe I have sufficiently explained myself on this point. FRENCHMEN! I repeat, the Emigrants are neither the principle nor the end; but merely the effect and the means. The same cause acts upon us that acts upon you. The same injustice destroys, the same justice preserves us both.

Some more serious objections will perhaps be urged; I expect them, and will anticipate some few of them. They will apply both to the form and to the substance. With regard to the former I shall be told, "What you propose *cannot be done*. You excite the people at the meeting of the Primary Assemblies to give a mandate, which the electors are to transmit to the new representatives: the people *can give no mandate**. You then suggest an instruction, the enunciation of a wish: the people *can give no instruction*; they cannot communicate a wish to their representatives†. You would at least determine them to present petitions: The people *cannot present petitions* to the Legislative Body‡. Lastly, you pretend that

"the
* "The Members of the Legislative Body are not representatives of the Department by which they are elected, but of the whole nation, and *no mandate can be given them*."—53d Article of the Constitution.

† "26. The Primary Assemblies meet, 1. To accept or reject any alterations in the Constitutional Code, that may be proposed by the Assembly of Revision; 2. To make such elections as they have a right to make in virtue of the Constitutional Code."—29. "Whatever is done either in a Primary or Communal Assembly, beyond the object for which it was convened, *is null*."—37. "The Electoral Assemblies *cannot discuss any object foreign from the elections with which they are charged*."—Constitution.

‡ "All citizens are FREE to address petitions to the
" public

“ the Legislative Body should immediately re-
 “ vise laws which have been inserted in the
 “ Constitutional Code: The Legislative Body
 “ *cannot revise a single line of the Constitution*;
 “ it can only convene an assembly of revision,
 “ and it is obliged to employ NINE YEARS in
 “ convening it *.”

What can I say, PEOPLE OF FRANCE! of an
 order of things so truly inconceivable?—That
 the more difficult it is to conceive, the more
 impossible is it that it should last †.—That the
 more

“ public authorities; BUT *they must be the petitions of indi-*
 “ *viduals.* No association can present *collective* petitions, ex-
 “ cept the constituted authorities, and they only on *such*
 “ *objects as relate to their functions.*”—Constitution, Art. 364.

* “ If experience should prove the inconvenience of some
 “ articles of the Constitution, the Council of Elders may
 “ propose their revision.”—337. “ The proposition of
 “ the Council of Elders must, in that case, be submitted to
 “ the ratification of the Council of Five Hundred.”—338.
 “ When, *in the space of nine years*, the proposition of the
 “ Council of Elders, ratified by the Council of Five Hundred,
 “ has been made at three different times, distant from
 “ each other at least three years, an Assembly of Revision
 “ shall be convened.”—Constitution, Art. 13.

† This is another of those parts of the Constitution which
 stand in need of being reconciled with themselves. It is one
 of those which bear the most visible marks of that imperious
 force of circumstances which must have had so great an

more we examine the question, the more fully is it demonstrated that *the revision of your laws* is an object of as great importance to the PEOPLE OF FRANCE as to the French Emigrants.

That every violent attempt to obtain it would only remove it to a greater distance. That it is difficult to imagine how you could be prevented by any law from giving an *instruction* to your delegates, or how such instruction could become the principle of any act of violence; but that if there is the smallest chance that the exercise of this *imprescriptible right* will be productive of any disturbance, you ought once more to renounce it. That the triumph of the general opinion will become certain in proportion

influence on the minds of the legislators. On quitting the reign of terror, which was founded entirely on clubs that had assumed the appellation of *popular societies*, they must certainly have been busily employed in devising means for securing themselves against the effects of *popular influence*, and it was perhaps impossible to avoid mistakes. Now the force of circumstances which no longer exist, should yield to the force of reason and justice, which ought always to exist. Germs of licentiousness should no longer be seen in the first elements of liberty, nor the *instructions* or *demands* of the people *legally assembled* be confounded with the anarchical deliberations or sanguinary edicts of a seditious troop, or a conventicle of tyrants.

as it is peaceable. That by making a good choice at the approaching election you will have a good Legislative Body, which is the true remedy, in my opinion the only remedy, and must certainly be an universal remedy.

That a good Legislative Body, pressed between so many contradictory articles of the Constitution*, and reduced to the necessity of making a choice, will not hesitate a moment as to the object of its preference.

That your new legislators will have for the guides and supporters of their conduct, those two oracles† whose names your Convention incess-

* What in fact can be more contradictory than a fundamental article which declares that the people are the sovereign, and articles of regulation which ultimately deprive the *sovereign* even of the right of *petitioning* his representatives?

† "The public deliberation, which can bind all the subjects to the sovereign (as the sovereign to the subject), cannot bind the sovereign to himself; and consequently it is contrary to the nature of the body politic, for the sovereign to impose a law upon himself which he is incapable of violating." ROUSSEAU, *Cont. Soc.* chap. vii. *Of the Sovereign*.

"It is an axiom admitted throughout the world, that the legislative power can know no restrictions, without being destroyed or having its action rendered useless." MABLY,

incessantly invoked, and whose precepts it incessantly violated.

That when your two Councils, commanded by the safety of the State, invested with that *power which nothing should confine, and which cannot tie up its own hands*, shall have decreed the necessity of the measure, resolved upon the alterations to be made in your Constitution, and sent them to be rejected or accepted by you, they will have no occasion to accompany their decree, as on a former occasion, with an escort of artillery, and to *conquer* your acceptance.

That, in short, either to obtain peace or to procure a revision of your laws, you may still, without violating the letter of your Constitution as it now stands, assist yourselves and assist your representatives, first by consulting the known dispositions of the candidates who apply for your suffrages, afterwards by multiplying and publishing the *petitions of individuals* to such a degree as to render it evident that they express the general will.

On the United States of America. You should read the whole article, which applies precisely to the articles of the French Constitution, which are now the object of my consideration.

Having

Having obviated the objection to the point of form ; I now come to that which applies to the substance.

This objection is founded on our situation and conduct ; in the consideration of what we have been, and of what we are ; of the recollections which our banishment would leave in our minds, and of the scenes which would surround us on our return ; in short, on the new troubles, either premeditated or fortuitous, which inclination or necessity would, it is pretended, produce on our return to France.

I have nothing to answer to those who calumniate us from hatred, and who hate us for convenience ; nothing particularly to those who, without any right to assert or interest to risk, have hovered like discord over the civil wars in France, and have only mingled with the ranks for the purpose of setting brother against brother, and father against son. These men wish to see combats in order to strip the dead, and to see towns taken by assault in order to reap the advantage of plunder. A great nation must be convulsed to satisfy their little interests of vanity or peculation. What effect can the groans of
misfortune

misfortune and the precepts of justice have on men of this description?

But some upright and feeling minds have seemed, while they deplored our calamities, to fear that they could have no end. *The revolution, said they, repels us still more than cupidity. The people are disgusted with revolutions for two thousand years. This I can easily conceive. Even those objects of proscription who still live are so harassed with the misery they have experienced, that they would not have the scenes of the revolution renewed even to recover their ancient privileges.*—Good God! who can now talk of *privileges*? We talk of our country, of peace, of being restored to the bosom of our families, of reposing our old age under the shelter of our infancy, of taking back our ashes to the tombs of our fathers, and of leaving behind us a subsistence for our children. *Renew the revolution!* Alas! all we ask is to finish it. The strongest ground we have to support our claim is that our recall will terminate the revolution, and that it cannot be terminated without it.

We are told, *that at so great a distance we are incapable of making just observations, and that we*
are

are mistaken with regard to the internal situation of France. To this I answer that, at the same distance, I believe much greater mistakes are made as to the sentiments of the great mass of Emigrants.

Is it the passions that excite your apprehensions? Is it Pride? Ambition? Hatred?

Pride!—Alas! misfortune bows down the head of pride much sooner than it breaks the benevolent and upright mind. That pride itself too sighs to return, as the only means of procuring a small remains of independence. When he has once recovered it he will not again risk its loss; he has already felt too severely the consequences of such a loss; he has too often experienced the importance of having a country, even in order to be well received in a foreign land. And besides, among so many prodigies of strength, among so many monuments of victory, what other pride can we cherish but that of a pure and irreproachable conscience, and consequently that pride which, far from tending to interrupt public order, becomes, on the contrary, its best security?

Ambition!

Ambition!—On what can it be fixed, if the word bear the same signification that it formerly did? The old ambition is extinct; a new one will doubtless arise, even in our minds; but what will be the objects of its pursuit? A few acres of land, a house, a roof, the support of a family, the benevolence of neighbours, the triumph of extorting repentance from persecutors, the pleasure of rewarding by virtues those who shall have caused the persecution to cease. Oh! may there be many ambitious men of this description, and the country which they shall inhabit, whatever it may have suffered, will be speedily repaired!

Hatred!—It could only be directed against the authors of our calamities, and where are they to be found? Some of them are already punished, and the others will be dispersed. The existing power will then be the power that will afford us safety. We shall be indebted to it for our return, and for the recovery of all that we shall possess. It will have repaired the crime which others had committed; it will be entitled to gratitude, and even to sacrifices; and we will unite with it in pronouncing the sublime words which were uttered in the midst of you, “RE-SPECT TO REPENTANCE!” In short, if some
few

few dispositions were to prove so untameable as to suffer their passions to triumph over their misfortunes and their duties, it would be rather from abroad than at home that men of that description would excite troubles and disorders. At home they would be disconcerted by all that surrounded them, watched by all who ran any risk of becoming their victims, restrained by laws whose severity even would be just, because in that case they would commit an offence against a society of which they had become voluntary members, after they had been acquainted with its constitution*.

* And do not suppose that these sentiments are all new to us, or that they arise at the time when we need their assistance. We judge of your general opinion by such of your writers as are worthy to communicate it. At least adopt the same rule with us, and say where you ever met with a toleration more benevolent and yet more noble, more of that loyalty that extorts respect, more of that patriotism which moves the soul, than in that account—of whom? Of a victim who escaped from *Quiberon*. What a *recital*, and what *facts*! What heart, however hard, would not be affected at the sight of those *prisoners* and those *guards*, of those *French Royalists* and those *French Republicans*, *prostrated together before the altar*, and *mingling their voices in imploring the mercy of Heaven upon the fate of France*? I lay this picture before you because it contains our defence, and our resources. I quote this publication because you have seen it, and because I know it affected all who read it. Well! such are our general feelings, and such is the manner in which they are expressed by almost all our writers. Those who speak differently are not read. The one have never forsaken reason; and reason has subdued the others.

Illusion!

Illusion!—We are again told, *We shall not be at home the same as we are abroad. We mistake our own dispositions. We think ourselves capable of a generosity or a resignation which is above the force of man. So many acts of injustice are not to be forgotten, while living among the men who committed them. A man cannot pass the spot which has been deluged with the blood that was dearest to his heart without burning with the desire of vengeance!* Alas! will that impression be less powerful which springs from the desire of preserving what we still have left; and from the dread of exposing it to the smallest danger by any one act of imprudence? That perpetual admonition which we shall receive from all external objects—that new kind of sentiment which will mingle with all our other sentiments—those unknown ties by which we shall feel ourselves dependent on a mother, a sister, or a friend, whom we had been on the point of losing, and who will appear to have been but just saved, and that by a miracle! So many lives which have been cut off by violence, which in the common order of nature ought still to exist, and which we shall add to the small number of those which have been spared. Do you think that these will be wants less urgent, securities less solid, prepossessions less powerful than the blind thirst for vengeance, which even the sacred mandates of
the

the dead have forbidden us to satisfy? We shall weep over them no doubt; but tears are not seditious. We shall weep over them, and it will form one of the most frequent employments of our lives, one of the greatest consolations of our sorrows. But *révenge* them? and upon *whom*? and with what arms? and at the risk of what heads? Alas! let them cease to quote the very excess of our calamities as a pretext for prolonging their existence; and the horror of the injustice we have experienced, as an eternal obstacle to its reparation. Let it not be urged, that we can never be restored to that part of our families which Heaven has preserved for us, because hell has been permitted to destroy all the rest.

And do you suppose that that *morality*, that *religion*, which we lately found to be so necessary to your tranquillity, afford neither precepts for our conduct, nor ties for our consciences? Our misfortunes, *People of France!* are of that description which morality honours, and religion rewards. Under the protection of these only resources against calamity, of these only supports of human weakness, we have been incessantly placed: every thing made us cherish their approach, which nothing rendered formidable to us.

us. Many unhappy beings among yourselves have applied for the same assistance; and they know that such an intercourse develops new sentiments in the mind, and creates dispositions unknown before. You will set us an example of many new virtues, and do us the justice to believe that we also shall introduce some new ones among you.

PEOPLE OF FRANCE! Let an union of our virtues be formed! Let the triumph of public manners be established on the reparation of all private calamities! I shall conclude by recalling to your attention an engagement contracted in your names: an engagement which you will not disavow. It will scarcely obtain credit at this time, but it is nevertheless true, that at the period when your representatives declared war against Europe and against us, from the midst of their unbridled passions which had not all thrown off the last check of remorse, a solemn proclamation issued, containing the following words:

“ The FRENCH NATION, when victorious, will
“ neither seek for indemnification nor ven-
“ geance. It is the determination of all French-
“ men to forget every thing when they shall no

“ longer have any thing to dread, and to consider their adversaries, when vanquished, reconciled, or disarmed, as brothers *.”

BEING OF BEINGS! Thou who art perhaps the sole Judge from whom man can expect, in these unhappy times, complete justice—Thou who hast permitted me to invoke thee, and who, in giving me a conscience, reservedst to thyself the power of reading it every instant; suffer me to bend my knee before thy Supreme Majesty, and to present this Work to thee: and when I shall have interested thy goodness in its success, on which depends the fate of so great a number of thy creatures, permit me to call upon thee to witness the purity of my intentions; the candour with which I have set forth what I believe to be true, and advanced what I believe to be just; and lastly, the sacrifice which I thought myself called upon to make, when, in order beneficially to serve the cause of humanity, I gave up questions which events had decided. . . Thou knowest whether any of my principles have been changed; whether I have betrayed any one of my sentiments; and whether any of the objects which deserve my veneration and regret have

* Proclamation of the Legislative Assembly, on the 29th December 1791.

become less sacred to me; but I do not give laws to the world. Thy decrees have greater force than my desires, and I must pay obedience to thy will, as well when it agonizes my heart, as when it consoles it. I thought I might be allowed to love my country although it be governed by different opinions from mine. I thought it my duty to defend my fellow-citizens, by invoking that authority which can alone extricate them from the gulph of despair. I thought, above all, that thou hatedst falsehood and perjury, by whatever pretext they may be coloured; that oaths ought to rise superior to wishes, and that my conscience did not depend upon my sorrows. Deign to give relief to our misfortunes, and to succour our weakness. Console the land which gave us birth, and that which has afforded us an asylum. Spare and move our fellow-citizens. Disarm and reward our benefactors. Give peace and justice to the world.

LALLY-TOLENDAL.

26 AU 57

THE END.

July 1, 1797.

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